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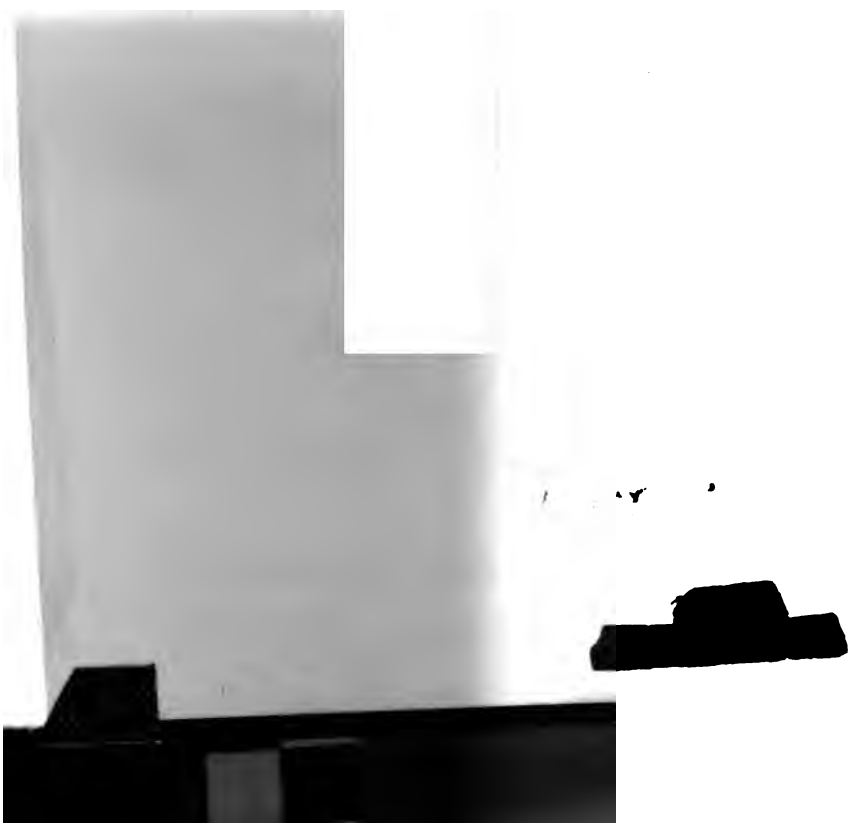

THE WASHINGTON CONFERENCE

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THE WASHINGTON CONFERENCE

BY

RAYMOND LESLIE BUELL

PROCTER FELLOW IN POLITICS IN PRINCETON UNIVERSITY
AUTHOR OF "CONTEMPORARY FRENCH POLITICS"

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TO

MY FATHER

PREFACE

The Washington Conference on the Limitation of Armament was the first conference of World Powers ever held in the United States. From the standpoint of civilization, this Conference was of great importance because it brought to an end a prodigal and a ruinous competition in battleships, which, if continued, would have resulted in disaster to mankind. From the standpoint of the United States, the Conference was of great importance because it marked our reappearance in the Family of Nations; because it sealed our friendship with the British Empire; because it relieved, at least temporarily, the tension of our relations with Japan. From the standpoint of the Orient, the Conference was of importance because it recognized the military supremacy of Japan in the Far East, and because it impressed upon China the painful and now undisguised fact that her national salvation depends very largely upon herself alone. It is the purpose of this book to describe the ominous forces that made the Washington Conference a necessity; to analyze the delicate problems with which it was confronted; and to determine, if possible, the extent of its successes as well as of its failures.

The author wishes to express his great indebtedness to those friends, in this country and in the Orient, who have either criticized his manuscript or furnished him with information; to members of the different delegations at Washington; and to the *Independent* and the *Current History Magazine* (the monthly publication of the New York *Times*) for permission to reprint portions of articles contributed to their columns.

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R. L. B.

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PART I

FORCES IN THE BACKGROUND

THE WASHINGTON CONFERENCE

CHAPTER I

NIBBLING AT ASIA

At the last Imperial Conference of the British Empire, General Jan Smuts, one of the most farseeing statesmen of the present day, declared that "the problems of the Pacific are to my mind the world problems of the next fifty years or more." By this statement he did not mean that the age-long quarrels of Europe had been assuaged, or that Continental wars would never reoccur. But, undoubtedly, he meant that the cataclysmic disasters which have crowded over Europe during the last eight years have reduced all of its nations to the rank of second-class powers. As a result, they have been forced to surrender their past leadership. The center of industry, of thought, of civilization, has now passed to the West.

I

On one side of the Pacific, where the new scene is now staged, stands the most powerful nation in the world—the United States. On the other side lies a continent whose resources are fathomless, whose peoples are without number, whose future potentialities no one dare predict. Amongst the peoples of this continent of Asia are two national groups directly opposed to each other in political organization

and social ideals. The civilization of China is one of the oldest in the world. It was a civilization of high morality and cultural achievement, but it despised commerce, hated materialism, and loathed foreigners. Its social unit was the family; ancestor worship was its creed. Pacifism and Confucianism went hand in hand. Economically, this civilization was founded on agriculture. Politically, it rested on local groups. The central authority was weak, not only because it was in contradiction with Chinese ideals, but because the people were scattered over vast stretches of territory, between the different parts of which regular communications did not exist.

But the complacent seclusion of China was to be violated by the exigencies of the Western world. And when the doors of China were opened to foreign commerce and to foreign ideas, it became necessary to readjust her methods of thought and her political and economic organization, if for no other reason than to combat the imperialism of those greedy Western powers who sought to exploit the resources and people of China for selfish ends.

This readjustment has been difficult. The creation of any stable national life, as the history of the world has proved, is a slow and painful process. Within eleven years China has suffered three revolutions. To-day the North and the South vie with each other in claiming the allegiance of 400,000,000 people, themselves oblivious, for the most part, of the real plight in which their nation is placed. Unscrupulous military governors or Tuchuns exact what taxes they can for the purpose of smothering themselves in gluttony or of bribing their restless soldiery. As a result, the Government of China cannot even afford to pay its school-teachers; the Tuchuns have emptied the money bags.[1]

[1] It should be pointed out that these conditions are in part due to Japanese instigation. See p. 43 ff.

Across the Yellow Sea is another nation, Japan, which also was secluded from the Western world for several hundred years. But since the momentous visit of the "Black Ships" of Commodore Perry to Japan in 1853, the adaptation of Japan at least to the forms of Western civilization has been phenomenal. It has been accomplished (indeed, such is the history of many nations) by an Iron Hand, which has welded the Japanese people into a unified, disciplined, obedient whole. As compared with China, the task has been easy because the territory of Japan is compact and its population has been limited. But in this process of readaptation, democracy has been sacrificed to authority and bureaucracy. And while the external forms of Western civilization have been adopted, many of the old Shinto ideals have been retained. Japanese authorities have assiduously cultivated the rites of Emperor worship. They have preached to the Japanese people the gospel of expansion[2] —the "mission" of Japan in the Orient, if not in the entire world.

This incentive to imperialism has been increased by the example of the Western powers. It has also been increased by the fact that Japan is impoverished in resources. The soil of Japan cannot grow food enough to feed her people; and her mountains do not have the ore and fuel needed for her factories. But Japan is in easy reach of a continent possessed of fathomless, but unused wealth. The resources of China will supply Japan indefinitely, but now they are scarcely exploited. The vast stretches of Manchuria, Mongolia, and Siberia will raise the grain necessary to feed the multiplying millions in Japan, but their fields are still unplowed. The Evil Spirit of militarism has led Japan to an exceeding high mountain and shown her the Five Nations of China torn between venal factions, bilked by knavish generals, and plundered by foreign adventurers. "All these

[2] *Cf.* Chamberlain, *The Invention of a New Religion.*

Whatever means is used, the process wil
whatever its result, the United States, the
in fact, the whole world, are intimately
though the immediate purpose of the Was
ence was to limit armaments, the fundamen
to clarify the Far Eastern situation. O
Conference was to assist China in the readju
which she is now passing. The Conferenc
this aim by positive assistance to China; and
it by securing the pledge of foreign power
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condition to serve selfish ends. But before
success of the Conference in realizing this
necessary first to examine the fundamental fa

II

Japanese imperialism is of ancient origin.[3]
nd of the Tokugawa Shogunate a member
lan, Yoshida Shoin, preached the gospel of
ony which his apostles have busily propagat
Ie demanded the annexation of the K
akhalin, Kamchatka, Formosa, Korea, M

[3] The two chapters that follow are in no sense a his
perialism. They merely attempt

part of eastern Siberia.[4] His conception of a "*Nippon über Alles*" finds a modern counterpart in the famous memorandum of the Black Dragon Society, written in 1914. This remarkable document declared that Japan should send armed forces into China, and assume full responsibility for guarding its territory from foreign powers and for the maintenance of peace and order. It demanded that the sovereignty of South Manchuria and Inner Mongolia be ceded to Japan; that the Chinese army be trained and drilled by Japanese officers and equipped with Japanese firearms; that China's finances be reorganized by Japanese "experts;" that Chinese schools teach Japanese under the direction of Japanese educators; that even a Chinese monarch be selected by Japan to displace the president of the Chinese republic so as to have a "constitutional monarchy which shall necessarily be identical, in all its details, to the constitutional monarchy of Japan, and to no other."[5]

A member of the House of Peers, Mr. Uchida, advocates the annexation of South Manchuria and Eastern Mongolia, integral portions of Chinese territory.[6] Another writer, in a pamphlet significantly entitled "Policy for Swallowing Up China," suggests the formation of an Eastern Asiatic Federal Empire, led by Japan, under whose control the foreign and military policies of Asia would be placed.[7]

There are many Japanese who assert that these are utterances of fanatics, that they are not representative of

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[4] McLaren, *A Political History of Japan during the Meiji Era*, (1916) 229.

[5] Weale, *The Fight for the Republic in China*, (1917) 135. For the entire memorandum, see Chapter VII.

[6] Admiral Kato, to the surprise of many journalists, admitted at the Washington Conference that Manchuria was a part of the Chinese Empire whose integrity, incidentally, Japan has repeatedly promised to respect.

[7] Cheng, *Modern China; a Political Study*, (1919) 307, 309.

Japanese opinion, that in fact the foreign policy of Japan has not been as imperialistic as its accusers assert. In the Japanese number of the Manchester *Guardian*, Foreign Minister Uchida has insisted that Japan "has never been the militaristic disturber of the peace that her enemies would have the world believe her to be."[8] In so far as Japan's wars are concerned, this statement is technically true. In the three wars Japan has fought since she has become a modern power, against China, Russia and Germany, the immediate cause of hostilities has not been the aggression of Japan but the apparent bad faith or imperialism of her enemies.

This was true of the Chino-Japanese War of 1894-1895. According to the Treaty of Tientsin, signed by these two powers in 1885, the independence of Korea was recognized, and each party promised to notify the other before sending troops into Korea for any purpose whatever. In 1894, however, a revolt broke out which led the Korean Government to ask China for assistance, which she sent without notifying Japan. Technically, Japan had a *casus belli*. But actually, the Japanese hierarchy had intrigued for the annexation of Korea for years. As a step in this direction, it had forcibly secured the "independence" of Korea after she had long been a willing vassal of China; it had invented a mythical story of the conquest of Korea by the Empress Jingo in the third century A.D., so as to convince the Japanese people that Korea was in reality Japanese soil;[9] and it had brought about the brutal murder of Queen Min because she refused to surrender the freedom of her people.[10]

When, at the end of the war with China, three powers in Europe intervened and forced Japan to return the Liaotung Peninsula to China, the Japanese people, who

[8] Manchester *Guardian*, Japanese number, June 9, 1921.
[9] "Japanese and Veracity in History," Japan *Weekly Chronicle*, September 1, 1921.
[10] McKenzie, *Korea's Fight for Freedom*, (1920) Chapter III.

had demanded that their troops occupy Peking, became so incensed that they attempted the life of the Chinese Minister, Li Hung Chang; plotted against the life of Count Ito; and forced the Ministers of Finance and of Foreign Affairs to resign.[11] Surely, the Chino-Japanese War shows that, regardless of its immediate cause, Japan attempted to use it to extend her hold on Asia. Despite the intervention of European powers, Japan was successful in annexing Formosa and the Pescadores Islands.

It was likewise with the Russo-Japanese War of 1904-1905. Russia was doubtless responsible for the outbreak of this war because, by the seizure of Korea, she would theoretically threaten the national existence of Japan. But despite the fact that the withdrawal of Russia from Korea would relieve Japan's fears, the Japanese press demanded, during the war, that Manchuria and Mongolia be wrested from China and that Japanese troops occupy all of Siberia east of Lake Baikal. When Japan was forced to waive all claims to an indemnity at the Portsmouth Conference, the indignation of the Japanese was so great at what the *Nichi Nichi* declared to be a "craven and discreditable surrender" that the assassination of the Genro was openly advocated.[12] Despite the moderation of the peace treaty, the Russo-Japanese War resulted eventually in the annexation of Korea (1910).

As to the third great war in which Japan has been a participant—the European War—it, too, was caused by the imperialism of another power. But the most extravagant designs of Germany did not include the subjugation of Japan. And its Asiatic interests, limited to a leasehold at Kiaochow at which only 3,000 troops were stationed, threatened Japan in no way whatever.[13] But despite the

[11] McLaren, *op. cit.*, 231.
[12] *Ibid.*, 289, 299.
[13] Hornbeck, *Contemporary Politics in the Far East*, (1916) 286.

insignificance of the German holdings, Japan blocked the suggestion of China that all the Asiatic interests of the powers at war be neutralized.[14] Instead, she declared war on Germany, presumably in accordance with the terms of the Anglo-Japanese Alliance.[15]

On the face of it, Japan's entrance into the war bore little relation to the destruction of junkerdom. Not only was Japan uninterested in this aim, but she actually did little toward bringing it about. Nevertheless she utilized the forced preoccupation of the Western world in Europe to "consolidate" her position in Asia, with the ultimate end of establishing complete political and economic control, as the three following illustrations will show.

III

In the first place, Japan succeeded in establishing a virtual protectorate over Manchuria. As a result of the war of 1905, Japan had fallen heir to the Russian interests in Manchuria, which had been based on the leases of Port Arthur and Dairen, and of the South Manchurian Railway.[16] As these leases were to expire in 1923, China hoped that they would be restored. But instead of negotiating for the return of these leases, Japan utilized the European War actually to bring about their indefinite extension. Amidst the greatest secrecy, the Japanese Government, on January 18, 1915, dispatched the now notorious "Twenty-one Demands" to China. Japan demanded that China agree

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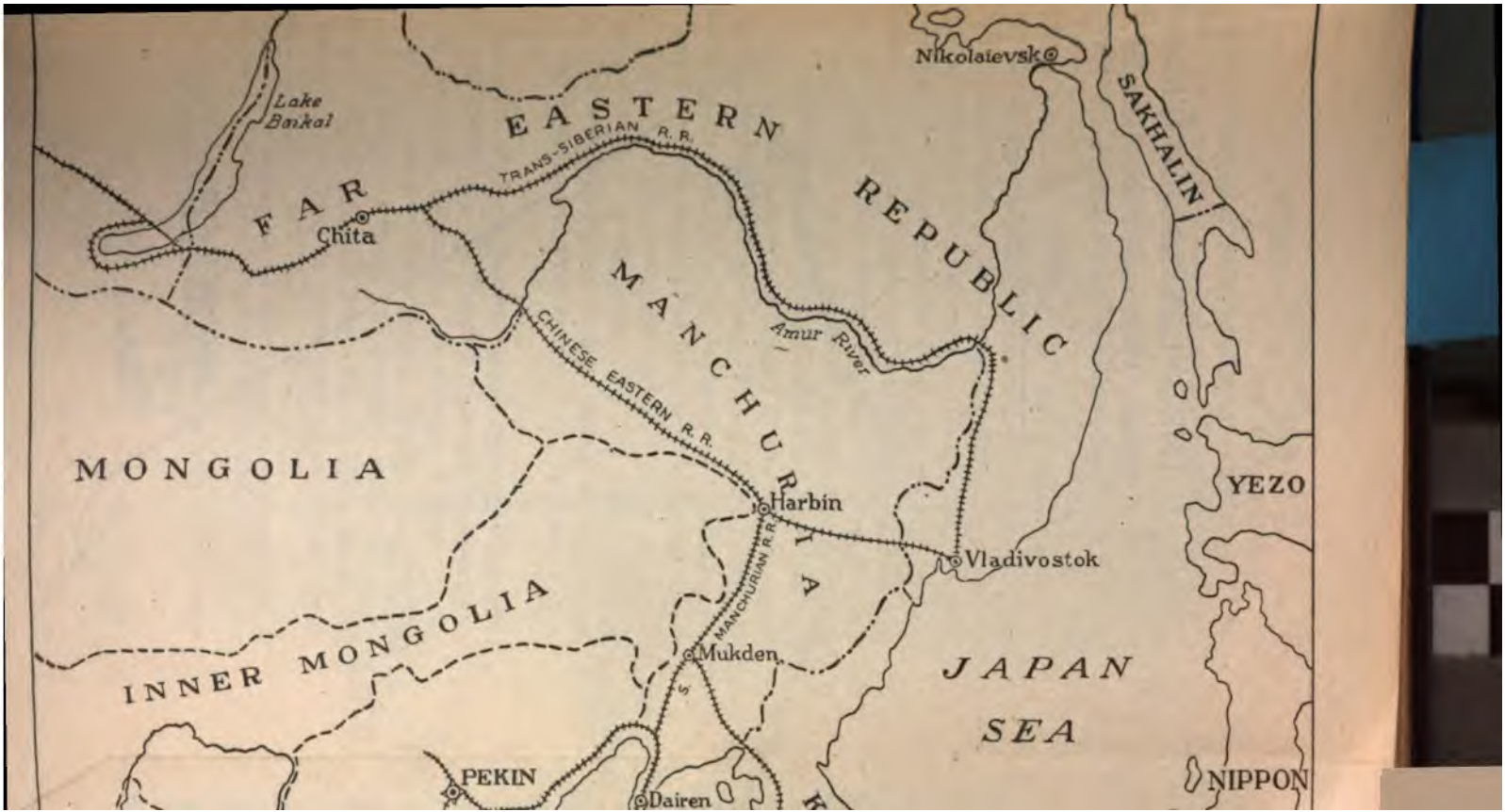
[14] Millard, *Our Eastern Question*, (1916) 89.

[15] See p. 112. As an actual fact, Japan did not enter the war automatically on account of her obligations under the Alliance. She first dispatched an ultimatum to Germany (August 15, 1914), which naturally implied that if Germany accepted its terms, Japan would remain neutral. Where would the obligation of Japan under the Alliance then have been? See Young, "The Anglo-Japanese Alliance," *The Contemporary Review*, July, 1921.

[16] The legal status of leaseholds and spheres of influence, etc., are discussed in Part II.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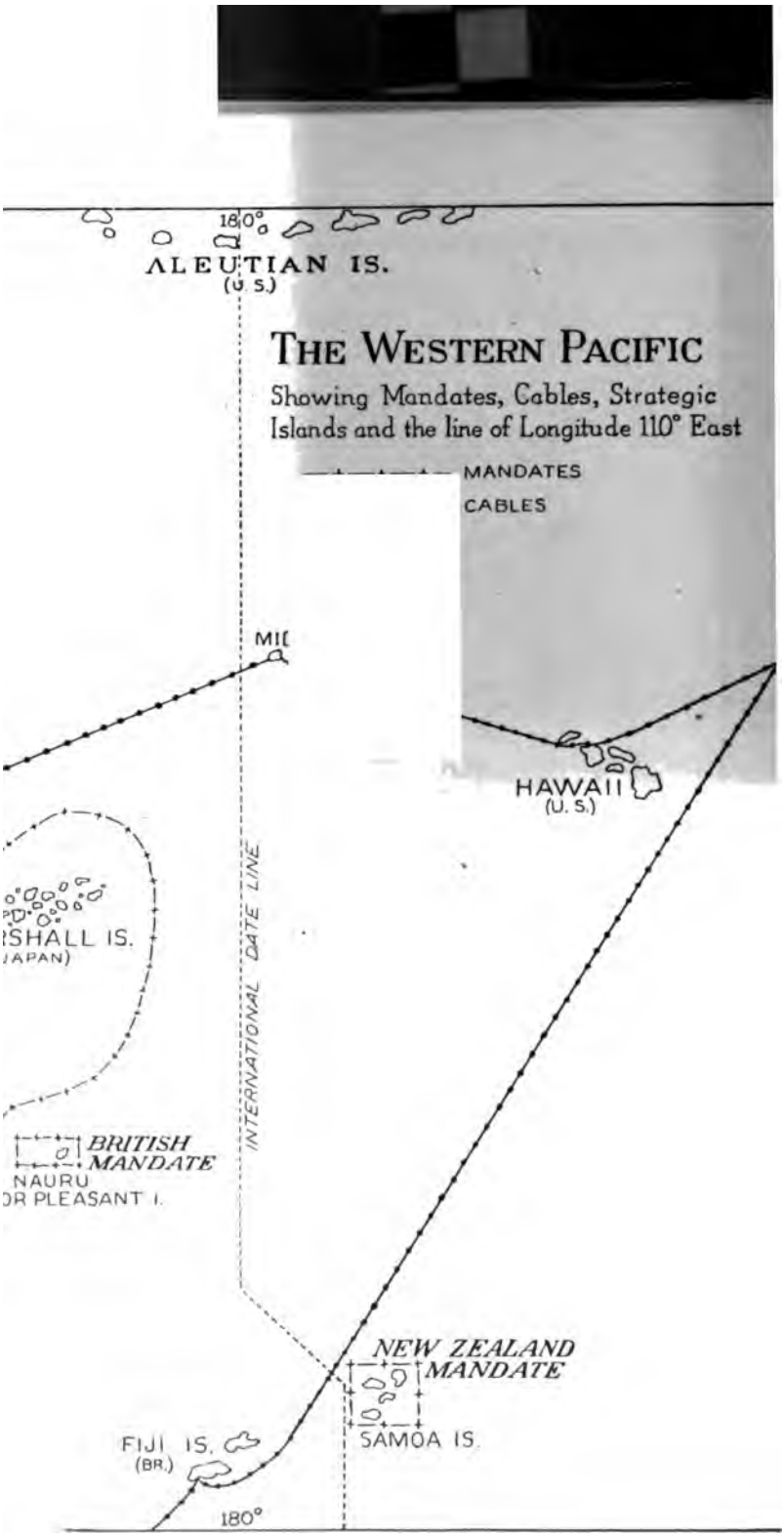
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"to all matters upon which the Japanese Government may hereafter agree with the German Government" in regard to Shantung,[17] and that China permit Japanese participation in the Hanyehping Company, located at Hankow in the heart of the coal and iron district of China, a British sphere of influence. Japan also demanded that the Manchurian leases be extended to ninety-nine years; that Japanese subjects be allowed to trade, reside and lease land in South Manchuria;[18] that Japanese capital be given certain rights to construct railroads in this territory, and that the Japanese Government be given the right to appoint certain advisers and instructors in political, financial, military and police affairs there. Finally, Group V of these demands insisted on: (1) Japanese advisers to the Chinese Government in political, financial and military affairs; (2) the right to own land in the interior of China by Japanese hospitals, churches and schools; (3) the joint administration of the Chinese police by Japanese and Chinese; (4) the purchase from Japan of at least half of the war munitions used by China, or the establishment of an arsenal in China supervised by Japanese; (5) the consultation of Japan before China secures foreign capital to work mines, build railways or construct harbor works in Fukien province.[19]

Thus these demands involved much more than the mere status of Manchuria. If granted, they would have established Japanese supremacy throughout China. Consequently the Chinese Government, despite its weakness, refused to submit to them. As a result, Japan dispatched a forty-eight hour ultimatum on May 7, 1915, demanding the accession of China to practically all of the demands,

[17] See pp. 19 ff.

[18] These leases were to run for thirty years, with the possibility of unconditional renewal, Hornbeck, *Contemporary Politics in the Far East*, 338.

[19] See MacMurray, *Treaties and Agreements with and concerning China*, (1921) 1216-1236.

with the exception of Group V which she would reserve for future discussion. And on May 25, 1915, a number of notes and treaties were exchanged which granted to the Japanese Government the privileges it had demanded in Manchuria. Port Arthur and Dairen were to remain under Japanese political control until 1997 and the South Manchurian Railway, until 2002. The control of these nerve centers of commerce, together with the other rights in regard to trade and investments in Manchuria, made certain Japan's economic supremacy there.

Further steps toward assuring this supremacy were taken by the Japanese military command in 1919 and 1920, when it endeavored to secure control of the Chinese Eastern Railway, which connects the South Manchurian Railway with the Siberian Railway. If this should fall under Japanese control, it would extend Japanese influence into Northern Manchuria and into Siberia itself. Japan could then also divert trade now going to Vladivostok (in Siberia) to her own port at Dairen. The Chinese Eastern Railway had been constructed by Russia, and owned by the Russo-Asiatic Bank. But despite the fact that this was nominally a private company, the road had been actually directed by the Russian Minister of Finance. The Soviet Revolution therefore threw it into great confusion.[20] In

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[20] In 1919 and 1920 the Chinese Government attempted to establish its control over the Chinese Eastern. It ousted the Russian General Horvath from his position as General Manager, and appointed three Chinese directors. This action brought forth the protest of the Russo-Asiatic Bank, supported by the French Government because of French interests in the railway. This led to an agreement of October 2, 1920, between the bank and the Chinese Government, in which the Chinese Government assumes, temporarily, the control of the administration of the road until an agreement with the future Russian Government. Five out of the nine members of the Board of Directors must be Chinese. Chinese troops were supposed to have replaced the Russian guards which had been withdrawn in the spring of 1918. But constant disorder has prevailed in many parts of the railway zone between so-called brigands or "hunghutze" and the

The agreement did not apply to "existing agreements relating to industrial undertakings upon which it can be shown that substantial progress has been made."[25]

The ratification of this agreement was delayed because the Japanese Government, apparently urged on by the military party, demanded that Manchuria and Mongolia be expressly exempted from the operation of the Consortium.[26] But after the strenuous objection of the United States, Japan announced in May, 1920,[27] that she had withdrawn this reservation, but on the understanding that the powers contemplated no acts "inimical to her vital interests" and that they were ready to give assurances safeguarding them. This announcement was warmly received as an indication that Japan was willing to forego, as far as future concessions were concerned, her special position in northern China. But the real spirit which animated this concession was indicated by the reply which Foreign Minister Uchida made to a number of questions submitted to him by the Kenseikai party, on June 1, 1921. In this interview, the opposition party wished to know if the Consortium nullified the rights granted to Japan by China in the treaties arising out of the Twenty-one Demands of 1915; if it nullified the "special interests" of Japan in Manchuria and Mongolia; and if the "special interests" of Japan in Asia were limited to these two provinces. To these questions Minister Uchida replied that he agreed that Japan's special interests were by no means limited to these provinces; that they could not be defined except as they "may arise in the future," and (most significant of all)

[25] The terms of the consortium agreement, finally signed October 15, 1920, were printed in the *Japan Review*, May, 1921. For a full account see Bau, *The Foreign Relations of China*, (1921) Chapters XIV, XV. Also see the statement of T. W. Lamont as to its aims. New York *Evening Post*, December 5, 1921.

[26] Willoughby, *Foreign Rights and Interests in China*, (1920), 515 ff.

[27] New York *Times*, May 8, 1920.

rency insured its extension throughout a great part of Manchuria, because Chinese merchants could not continue to use a fluctuating silver standard when the Japanese banks and merchants who purchased their goods were using gold. Moreover, the "gold" standard introduced by the Japanese was actually of notes, backed by a gold reserve in Japan from which no gold could be exported because of an embargo. From the standpoint of the Chinese, the "gold" standard was therefore incontrovertible paper money. By this act, it became possible for Japan, the only nation who has attempted to impose its own currency on China, to manipulate prices in Manchuria at will.[24]

At the time of the negotiation of the International Financial Consortium in 1920, it seemed that Japan would finally agree to give up, as far as future loans are concerned, its economic monopoly in Manchuria. Between 1918 and 1920, negotiations were carried on between representatives of the great powers, including the United States, to bring about the joint financing of all future loans to the Chinese Government, whether administrative, political, or industrial, "by a full and equal partnership" of the powers. The loans authorized by the Consortium were limited to issues for subscription by the public of loans to the Chinese Government, or to the provinces of China, or to companies or corporations owned or controlled by or on behalf of Chinese provincial governors or to any party if the transaction is guaranteed by the Chinese Government or the Chinese provincial governments. Each national group was to take an equal share in all operations, sign all contracts, and bear an equal share in all charges.

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[24] See "The Gold Standard in Manchuria," Japan *Weekly Chronicle*, June 23, 1921. Also "Penetration by Currency," *Ibid.*, November 24, 1921. The Chinese were so outraged at the gold standard that the Japanese authorities were forced to authorize both gold and silver as a medium of exchange.

The agreement did not apply to "existing agreements relating to industrial undertakings upon which it can be shown that substantial progress has been made."[25]

The ratification of this agreement was delayed because the Japanese Government, apparently urged on by the military party, demanded that Manchuria and Mongolia be expressly exempted from the operation of the Consortium.[26] But after the strenuous objection of the United States, Japan announced in May, 1920,[27] that she had withdrawn this reservation, but on the understanding that the powers contemplated no acts "inimical to her vital interests" and that they were ready to give assurances safeguarding them. This announcement was warmly received as an indication that Japan was willing to forego, as far as future concessions were concerned, her special position in northern China. But the real spirit which animated this concession was indicated by the reply which Foreign Minister Uchida made to a number of questions submitted to him by the Kenseikai party, on June 1, 1921. In this interview, the opposition party wished to know if the Consortium nullified the rights granted to Japan by China in the treaties arising out of the Twenty-one Demands of 1915; if it nullified the "special interests" of Japan in Manchuria and Mongolia; and if the "special interests" of Japan in Asia were limited to these two provinces. To these questions Minister Uchida replied that he agreed that Japan's special interests were by no means limited to these provinces; that they could not be defined except as they "may arise in the future," and (most significant of all)

[25] The terms of the consortium agreement, finally signed October 15, 1920, were printed in the *Japan Review*, May, 1921. For a full account see Bau, *The Foreign Relations of China*, (1921) Chapters XIV, XV. Also see the statement of T. W. Lamont as to its aims. New York *Evening Post*, December 5, 1921.

[26] Willoughby, *Foreign Rights and Interests in China*, (1920) 515 ff.

[27] New York *Times*, May 8, 1920.

licly made in the Japanese Diet (March 1, 1921) that the Japanese burned a church there merely because a newspaper pasted to its walls contained the word "independence," supposedly referring to Korea.

Three answers were made by the Japanese authorities to the reports of the Chientao atrocities. The first was the assertion that these reports were mere "anti-Japanese propaganda." The second was in the letter signed by Colonel Misumachi, chairman of the War Office Commission, who had been sent out to Chientao to adjust the matter. This letter was addressed to the missionaries of the Canadian Presbyterian Church whose property had been destroyed. But it was not an apology. Instead, it was an impudent lecture which attempted to push the blame for the atrocities onto them. "I firmly believe that you," the Colonel blandly said, "whose mission is to transmit God's Gospel to all human beings, will never try to cause political annoyance to another nation, something which is not within the province of religion. In your zeal of affection toward the believers in your own denomination, I also entertain no doubt that *you are well aware that any assistance, spiritual or material, direct or indirect, which may be given to those who are malcontent* [referring to the] [Korean rebels], will be detrimental to the present most friendly relations between your country and Japan, and will be something which you as teachers of religion have never dreamt of doing." He goes on to admonish them against any such acts as being "against the will of God" and "outside the sphere of religion." He assures them that the majority of Japanese believe that the missionaries have been instigating these attacks on Japanese interests, and if the missionaries actually do "give assistance, material or immaterial, to either the independence movement in Korea or to anti-Japanese sentiment, the Buddhists in Japan would be able to find a legal reason for giving anti-

British assistance to those behind the noncoöperation movement in India" and the rebellion in Ireland![33]

Japan's third answer came in a demand for "compensation" for the losses suffered by the Japanese consulate, and this in the face of damage to the Chinese to the amount of 4,000,000 dollars (silver). She also demanded the punishment of those responsible for the original attack, the acceleration of the construction of the Kirin-Huinang Railway, and the joint policing of the territory.[34]

To quote one observer:

> Japanese police are being found everywhere in the region not to preserve order but to interfere with the Chinese police and to strike terror into the hearts of those Koreans who are surviving. The Japanese Government is now demanding from China the right for the establishment of special settlements for the Japanese. Japanese subjects, as if by previous arrangement, are now pouring into the district as they would go to a newly discovered land. What is behind the immigration of Japanese into the Chientao area on so large a scale, Tokyo knows, Peking knows and everybody knows. Before long, Tokyo's intention will be disclosed to the public when it considers it useless to further maintain silence. Japan is grabbing another piece of territory from China. The rushing into Chinese territory of Japanese soldiers to suppress the so-called bandit activities, the persecution of Koreans and especially Korean Christians, the establishment of Japanese courts, the maintenance of Japanese police in the region, and the extensive immigration of Japanese into the territory are but preliminaries to the annexation of Chientao to the Empire of the Rising Sun, and the renewal of Group V demands upon China, which demands, if agreed to, would make this country a second Korea.[35]

IV

As a result of the European War, Japan succeeded not only in establishing a virtual protectorate over Manchuria, but in the second place, she was able to gain a foothold in

[33] Japan *Advertiser*, December 3, 1920. See also p. 98.
[34] Japan *Weekly Chronicle*, June 30, 1921.
[35] *Millard's Review of the Far East*, December 11, 1920.

the province of Shantung. On November 7, 1914, Japanese troops captured the German leasehold at Kiaochow. This leasehold was occupied on the express understanding that it should be returned to China at the end of the war. The Japanese ultimatum to Germany demanded its surrender "with a view to its eventual restoration to China." Later declarations of Count Okuma and Baron Kato, the leaders of the Japanese Cabinet, were to the effect that Japan had no territorial ambitions in the Far East and "no thought of depriving China or other peoples of anything which they now possess." [36]

Such were the promises which were soon to become as so much stale beer. In notes exchanged May 25, 1915, and September 24, 1918,[37] Japan, while consenting to restore the Kiaochow lease to China "at the termination of the present war," laid down conditions which would have given to Japan the same economic supremacy she had secured in Manchuria. The Paris Peace Conference went further still and, without any qualification officially as to the future return of the lease to China, gave Japan all the "rights, title and privileges" of Germany in the Shantung province.[38]

But Japan was not satisfied with the German rights in Shantung nor with the German policy there. Germany had followed the policy of the Open Door in Kiaochow, permitting foreign traders to enter under the same conditions as Germans.[39] As a result, 41.5 per cent of the foreign goods imported into Tsingtau in 1913 came via Chinese

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[36] Hornbeck, *op. cit.*, 286-289.

[37] This note of September 24, 1918, provided that the Shantung Railway should be operated jointly by Japan and China and should also be policed, after the Japanese troops were withdrawn, by a joint Chino-Japanese force. MacMurray, *op. cit.*, 1445. But this treaty was never ratified by China.

[38] Articles 156-158, Treaty of Versailles.

[39] *Introductory Survey of Colonial Tariff Policies*, (1921) United States Tariff Commission, 36.

ports. At that time the Japanese share of the export trade of the city was only 7.9 per cent.[40] But immediately upon their occupation, the Japanese proceeded systematically to exclude foreign trade.[41] After the capture of Tsingtau it became necessary to close the port to commerce and to place it under military control. But despite the fact that foreign vessels were rigidly excluded, Japanese steamers were authorized to come in.[42] In order further to benefit Japanese traders, the Japanese forced China to revise the customs service so as to increase Japanese control.[43] As a result of this policy, Japan's share in the export trade from Tsingtau increased from 7.9 per cent in 1913 to 59 per cent in 1917, while 57.1 per cent of the imports now came from Japan. In 1913 the total shipping cleared from Tsingtau was 1,300,442 tons, of which only 222,693 were Japanese. But in 1919, out of a total of 1,600,459 tons, 1,114,159 were Japanese.[44] Such a rapid increase in Japan's share could not wholly be accounted for by natural causes.

The Japanese not only tended to monopolize the trade of Shantung, but they also established industrial undertakings there to a much greater extent than the Germans. Immediately after the occupation of the Kiaochow lease, which was supposedly to terminate at the end of the war, the Japanese authorities rented so-called "fiscal" or public land to Japanese individuals, upon which were erected *permanent* buildings. Eighty-eight business houses were erected in one part of the city, fifty of which were houses of prostitution. During the seventeen years of German rule manufacturing plants were limited to one brewery and

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[40] Young, "Japan at Kiaochau and the Peace Conference," *The Contemporary Review*, cxv, 277, March, 1919.
[41] See also Chapter VIII.
[42] Hornbeck, *op. cit.*, 291.
[43] *Ibid.*, 292-295.
[44] Young, *op. cit.*

They forced Chinese to "sell" their propert
under the threat of martial law. They followe
policy in the acquisition of mining rights. "Ja
laws went so far as to tie up the hands and fe
owners of mining hills who refused to sell their
and beat them fiercely."[46]

The Japanese authorities also converted the
railroad, which hitherto had been a private com
a public, political organization. They discharg
ese officials,[47] and they stationed Japanese tro
railway zone (extending far beyond the leased are
he fact that the Germans had maintained no tr
luring the seventeen years they were in Shantun
built a powerful wireless station at Tsinanfu ir
arry on these activities. Moreover, Japanese i
ere hurried into Shantung.[49] By the end of
0,000 were in the province,[50] compared w
ermans there in 1914. By the end of the
apanese were in possession of the railroad terr
he property surrounding the port of Tsingtau

[45] Bau, quoting Japan *Year Book*, 200.
[46] See the petition of the Shantung Provincial Assemb
mocracy and the Eastern Question, (1919) 206.
[47] *Concerning the Sino-Japanese Question*, by an "influe
foreigners in North China," Chapter III.

rected the customs; they had penetrated into the interior; they owned a large part of the residential district and many business houses and factories in the leasehold; they controlled the railroad upon which the commerce of the whole province depended, and they policed it with some 2,700 soldiers.[51]

As we have seen, the Treaty of Versailles confirmed the seizure of the German privileges in Shantung. But although the Japanese were not obligated by the treaty to withdraw from Kiaochow, they did informally promise, while at Paris, to return the political sovereignty of the territory to China.[52] If the former promises of Japan are any criterion, this promise was also made to be broken. But the great outburst of feeling in the United States as well as in China against the Shantung award and especially the call for the Washington Conference forced the Japanese Government, two years and three months after the signature of the Treaty of Versailles, to suggest to China that it would return Kiaochow, subject to certain conditions. On September 7, 1921, the Japanese Government dispatched a

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[51] The Japanese often point to the fact that the lease of Kiaochow consists of only one-half of one per cent of the area of Shantung province. While this is true, the fact remains that Kiaochow largely controls the trade of the province because of its port and the Shantung Railroad. Moreover, Japanese troops have been stationed outside of the leased area, as far as Tsinan. Just as Japan controls Manchuria because of her lease on Port Arthur and Dairen, she will be able also to control Shantung, if she retains control of the Kiaochow lease and the Shantung Railroad. See Cheng, "Why China Has Not Signed the Peace Treaty," *Contemporary Review*, 171, August, 1919.

[52] In a cable from President Wilson to Mr. Tumulty from Paris, the President declared that Japan voluntarily promised to "hand back the surveyed peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany and the right to establish a settlement under the usual conditions at Tsingtau. Owners of the railway will use special police only to insure security for traffic. They will be used for no other purpose." Mr. Wilson declared that it was also understood that the Japanese troops would be withdrawn at the "earliest possible time." See Tumulty, *Woodrow Wilson as I Know Him*, (1921) 390, 391.

note to Peking, stating what these conditions were: Japan would agree to give up the demand for an exclusive Japanese settlement in favor of an international settlement, maintain the commercial open door, place the construction of railway extensions under the International Consortium, give the Chinese complete control over the customs, and turn over some of the German public property. But in return for these concessions, she demanded, first, that "all vested interests and rights acquired during the Japanese military occupation, legitimate or illegitimate"[53] be recognized; that foreigners be permitted to carry on commerce and agriculture in the territory; that the Shantung Railway be placed under the joint control of Japanese and Chinese, and that a special police body, to take the place of the Japanese troops guarding the railway, be determined upon later.

In a note dispatched October 5, 1921, China rejected this proposal on the broad ground that Japan had offered to return something to China which Japan had never legally possessed, that the declaration of war by China against Germany had automatically terminated the lease to which Japan could have no claim. She also objected to the conditions which Japan had insisted on because they would grant to the Japanese greater economic privileges in the area than the Germans had possessed.

Two more notes were exchanged between China and Japan before the opening of the Washington Conference in November, 1921. On October 19, the Japanese Government replied, in answer to the last Chinese note, that it keenly regretted, "for the sake of China," the use of some expressions "derogatory to principles of international courtesy." It declared that it had taken Kiaochow from Germany at the "sacrifice of lives and treasure," and that it could not give up the railroad, as it had already been

[53] Bau, *op. cit.*, 464.

credited to Germany on her reparation payments. On November 3, the Chinese Government made a reply in which it reiterated its former position, saying that China was not bound by the Treaty of Versailles, inasmuch as she had expressly refused to sign it because of its provisions in regard to Shantung.

Thus the controversy ended in a stalemate. The Washington Conference opened and the Japanese were still in Shantung.

V

If one turns to Siberia, he will find a record equally bad. After the Bolshevist Revolution of November, 1917, Japan dispatched a note to the Allies beseeching them to save Siberia from Germany and communism. She proposed very magnanimously that Japanese troops should be sent to Siberia for this purpose. She agreed not to attempt territorial annexation or maintain a permanent occupation. But she did demand compliance with the following conditions: (1) The intervention must be *exclusively* Japanese; (2) the Allied Nations and the United States must recognize her "special interests" in China and the existing Sino-Japanese treaties; (3) Japan must be given exclusive concessions in eastern Siberia for mining, timber, and fishing.[54] Out of the fear of the Soviet "monster" which, until recently at least, has marked their Russian policy, England and France consented to Japan's plan in January, 1918.[55] The United States, however, opposed the Siberian expedition until August, 1918, when its consent was finally obtained, provided intervention was jointly undertaken and no conces-

[54] Spargo, *Russia as an American Problem*, (1920) 236 ff.

[55] Mr. Robert Wilton, in an article, "The Rush for Siberia; Causes of the Present Crisis in the Pacific," *Fortnightly Review*, November, 1921, asserts that he drafted a plan for joint intervention in December, 1917, which proved acceptable to all the powers except Japan which blocked its adoption.

...ed into making a statement
States, the Japanese Government, on August

The Japanese Government, being anxious to
lesires of the American Government and also
nony with the Allies in this expedition, have dec
t once to dispatch suitable forces for the pro
. . . In adopting this course, the Japanese Gover
nshaken in their constant desire to promote relat
ng friendship with Russia and the Russian peo
irm their avowed policy of respecting the territo
f Russia and of abstaining from all interference i
olitics. They further declare that, upon the real
rojects above indicated, they will immediately
apanese troops from Russian territory and will
nimpaired the sovereignty of Russia in all its ph
olitical or military.[57]

It was agreed, furthermore, that each power
maximum of 7,500 men, but that the comman
the expedition should be allotted to Ja
ritain, Italy, and France did not send thei
men. The United States sent its 7,500 und
nd of General Graves. But within six mont
pedition had been authorized, Japan had
000 men in Siberia. As a result, Secret
ed, in November, 1918, that Japan withdra
ops. Although 52,000 were returned, nearl

It was not unsullied generosity which led Japan to pour men into an artificially created "enemy" territory—it was imperialism. The Japanese flag soon was flying over the city of Vladivostok, and for a time, Japanese officials directly controlled the administration of the city.[58] Japanese soldiers were immediately followed by merchants. Japanese goods were smuggled into Russia without the payment of duty. Every advantage was given to Japanese merchandise, while every obstacle was placed in the way of the free movement of foreign goods. Commerce between Siberia and Manchuria was subject to absolute Japanese control. Wrecked military trains revealed Japanese merchandise which was being smuggled into the country, disguised as military supplies with which the cars were supposedly filled.[59]

In order to overcome the opposition of the American troops to their plans to dominate eastern Siberia, the Japanese attempted to stir up such ill-feeling against them that they would voluntarily withdraw.[60] They subsidized newspapers as well as Russian generals for this purpose. On September 1, 1919, General Kalmikov was paid $15,000 by the Japanese in return for which four days later, he arrested two Americans on the ground that they did not possess Russian passports, which had never been required before. When a battalion was sent to rescue one of the men who had been beaten very nearly to death, a Japanese force threatened to fire. Russians in high authority informed General Graves that Kalmikov had been instructed by the Japanese to attack small detachments of Americans so as to create a sentiment for their recall.[61]

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[58] Graves, "Japanese Aggression in Siberia," *Current History*, May, 1921.

[59] Barrows, "Japan as Our Ally in Siberia," *Asia*, September, 1919.

[60] See Millard, *Democracy and the Eastern Question*, 306 ff.

[61] Graves, *op. cit.*

Another illustration of the methods of Japanese imperialism, similar to that of Chientao, was the Nikolaevsk affair. Nikolaevsk is a coast city in northern Siberia opposite the island of Sakhalin. Here the Japanese and Bolshevist bands, called the "partisans," engaged in a general brawl in the spring of 1920. Before reinforcements could arrive, the Bolsheviki had killed some 700 Japanese and burned the Japanese consulate to the ground. (Incidentally, 400 Russians were also killed.) Naturally, the Japanese Government was indignant; and, in order to "protect life and property," it found it necessary to occupy not only Nikolaevsk but "certain specific localities," [62] until a stable government should be established in Siberia and a proper indemnity paid. Such an exalted purpose may be very well and good. But one of the "localities" occupied was northern Sakhalin, an island in the Okhotsk Sea,[63] separated from the continent by the Gulf of Tartary. It is very difficult to understand how the occupation of this territory maintained order in a town on the mainland forty miles away.

Consequently, it was not strange that the United States should protest against this occupation. In a note to the Japanese Government of May 31, 1921, the State Department recalled the assurances given by Japan to the Russian people at the beginning of the Siberian expedition.[64]

It was declared: These assurances were intended by the Government of the United States to convey to the people of Russia a promise on the part of the two Governments not to use the joint expedition, or any incidents which might arise out of it, as an occasion to occupy territory, even temporarily, or to assume any military or administrative control over the people of Siberia. . . .

In view of its conviction that the course followed by the

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[62] Japan *Year Book*, (1920-1921) 794.

[63] Japan received the southern half of Sakhalin after the war of 1905.

[64] See Chapter IX.

Government of Japan brings into question the very definite understandings concluded at the time troops were sent to Siberia, the Government of the United States must in candor explain its position and say to the Japanese Government that the Government of the United States can neither now nor hereafter recognize as valid any claims or titles arising out of the present occupation and control, and that it cannot acquiesce in any action taken by the Government of Japan which might impair existing treaty rights or the political or territorial integrity of Russia.[65]

The simple truth of the matter was that the Japanese military machine, in flagrant disregard of the pledged word of the Japanese Government, was anxious to use every "violation" of the "rights" of Japanese subjects as a pretext to extend its economic and political control. It wished to add the northern part of Sakhalin to its possessions for two reasons: first, because it would increase Japan's strategic control of the Asiatic littoral; and secondly, because it contains important coal and oil deposits.[66] Before the Washington Conference, Japan had gone so far as to change the names of the streets of its cities, and to pass legislation covering the exploitation of its mines.[67]

In order to make permanent its influence, the Japanese military machine endeavored to establish either a direct protectorate over eastern Siberia or a Russian Government amenable to Japanese control. As the first alternative was impossible because of the opposition of the United States and the Siberians themselves,[68] the Japanese resorted to

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[65] Quoted by Mr. Hughes, New York *Times*, January 25, 1922.

[66] See Chapter X.

[67] See "The Japanese in Northern Sakhalin," *Nation*, November 23, 1921. See also Davis, "Russians Fear Loss of Sakhalin," New York *Evening Post*, December 16, 1921.

[68] In a book frankly advocating the occupation of Siberia by Japan, Mr. Frederick Coleman gives his whole case away when he says: "It is astonishing how deep-rooted the anti-Japanese sentiment in Siberia has become. The Russian is so quiet and peaceable, so little inclined to bother his head about affairs which do not immediately

the second. They disguised their real aim under the demand for the establishment of a "stable" government in Siberia, opposed to Bolshevism, and competent to safeguard the lives and property of Japanese there.

Under this pretext, the Japanese military machine supported first one and then another reactionary Russian general, from the very beginning of the Allied occupation. Originally, it supported General Horvath. After his dismal failure to secure a following, the Japanese turned to the Cossack General Semenoff, whose policy has been described as "pure and simple banditism."[69] At the Washington Conference, Admiral Kato admitted that the Japanese Government had backed Semenoff's attempt to establish an anti-Bolsheviki government; but he justified the support on the ground that it was "a wise act and entirely consonant with the Allied purpose."[70] As a matter of fact, Semenoff was supported in the face of the Kolchak Government at Omsk, the one Government which, at any time during the war, had prospects of uniting Russia under one head. Likewise, the Japanese military party backed other trouble-makers such as General Rosanov, a Cossack Ataman who, with Japanese support, maintained a government at Vladivostok, in defiance of the Kolchak régime.

On January 31, 1920, the local Zemstov overthrew the Rosanov Government. To the Japanese, the "menace" of Bolshevism again loomed large, and they must take a hand. By this time the only legitimate purposes of the Siberian expedition had been fulfilled (if, indeed, they had

concern him, that one hardly expects his dislike of a people outside his own environment to sway him . . . A Russian from Irkutsk told me that his wife used the threat of a Japanese invasion to quiet the children." *Japan Moves North: The Inside Story of the Struggle for Siberia*, (1918) 59, 60.

[69] Bullard, *The Russian Pendulum*, (1919) 152.

[70] New York *Times*, January 5, 1922. He also asserted that the Hara Cabinet had discontinued this support.

ever been legitimate), and the Allied Contingents were returning home. But at the departure of the American troops, in February, 1920, the Japanese Imperial Government issued a declaration (March 31) to the effect that "as no other country is geographically so closely connected with Siberia as our empire, and whereas the political condition of the Far East is such as to threaten not only the life and property of our citizens living in Siberia, but also to make a breach of the peace of Korea and Manchuria, we regret to state that it will be impossible to evacuate our troops from the Far Eastern territory."[71]

And in order to "protect Japanese lives and property," the Japanese authorities served an ultimatum on the Vladivostok Government, which, despite Japanese opposition, had succeeded in driving the cat's-paw Rosanoff from power. In this ultimatum they demanded that there be no interference whatever with the actions of the Japanese military activities, and that all publications directed against the Japanese Empire or its army be suppressed.[72] The new Vladivostok Government was forced to swallow this ultimatum at one gulp. Nevertheless, fighting broke out between Japanese troops and the Siberians, which led the Japanese to impose a more stern military agreement on the Vladivostok Government, which was signed on April 29. This agreement provided that no Russian troops could be stationed within thirty kilometers of the Ussuri and Suchan Railway line and of the Russo-Chino-Korean border.[73] By this agreement Japan was able to cut off Vladivostok from its sources of supply and to throw troops into the city at will. She had become supreme in the most important port of the Siberian coast.

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[71] *Current History*, May, 1921, 248.

[72] For the agreement of April 5, 1920, see *Japanese Intervention in the Russian Far East*, 114.

[73] An exception was made in case of police duty, but the number thus engaged was strictly limited. For the agreement, see *ibid.*, 115-117.

Having failed to create a Siberian government out of these brigand bands of Russian *émigrés*, the Japanese authorities now cast friendly eyes on the Far Eastern Republic, established at Chita in November, 1920. Believing that it might submit to Japanese influence, the Japanese military party arranged to send a "combined diplomatic, commercial and military mission consisting of representatives from the Japanese Foreign, War and Commerce Offices" to greet the formation of the new Government.[74] General Oi declared that it was the "desire of the Japanese command to join the Russian population wholeheartedly in welcoming the establishment of a Far Eastern Republic," and he announced that the Japanese troops would be withdrawn as soon as order was restored.[75] But these benevolent expressions of good will soon changed when the Chita Government showed no indication to pander to the Japanese will. As a result, the Japanese authorities actually extended the territory their troops occupied in the spring of 1921! They had already (in December) forbidden the Maritime Province and Vladivostok governments to unite with the Far Eastern Republic.

Consequently, Japanese intrigues started anew. Not satisfied with the military agreement of April, 1920, which they had imposed upon the Vladivostok Government, still independent from Chita, the Japanese military authorities now undertook to sponsor a revolution which would drive the existing government out of power. At a colonial conference held in Tokyo (May, 1921) the civil authorities, weary of the expense of the Siberian expedition, decided upon the evacuation of Siberia, provided that the Government of the Far Eastern Republic (1) maintain order in the three Eastern provinces, (2) desist from all communistic policies, and (3) facilitate the economic development

[74] Japan *Advertiser*, February 3, 1921.
[75] Japan *Weekly Chronicle*, March 10, 1921.

of Japanese resources in Siberia. Straightway the military men took it upon themselves to disturb the peace and orderliness of Siberia so that the Japanese occupation would be indefinitely prolonged. Consequently, they secretly armed what were known as the Kappelite troops. These troops were the remnants of Admiral Kolchak's army which, at Kolchak's fall, returned to eastern Siberia under General Kappel, where they constantly intrigued against the existing governments.[76] Thus aided by the Japanese, the Kappelites overthrew the existing Government of Vladivostok in what the Japanese Publicity Bureau called an "unarmed" revolution. The revolution was "unarmed" in the sense that the Vladivostok authorities had been virtually disarmed by the military agreement of April, 1920, and could therefore offer no resistance. But every evidence points to the fact that the Japanese authorities had, in deliberate violation of this agreement, secretly armed the Kappelite clique.[77] After overthrowing the Vladivostok authorities, the Kappelites set up in power a Russian Monarchist by the name of Merkuloff who is "openly working now for a Japanese protectorate in the Far East, and has been an advocate of the Japanese policies in Siberia."[78]

Having thus established a government of their liking in Vladivostok, the Japanese Military Staff next undertook to overthrow the allegedly communistic Government at Chita. Semenoff was still at large. And (according to a treaty published January 4, 1922, by the Far Eastern Delegation at the Washington Conference) the Japanese promised to assist his forces against the Far Eastern Re-

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[76] General Kappel died before his men reached Siberia. See the Japan *Advertiser*, December 3, 1920.

[77] See the Japan *Weekly Chronicle*, June 2, 9, 16, 1921. Also Freeman, "Japanese and the Counter-Revolution in Siberia," *Nation*, August 10, 1921.

[78] Japan *Weekly Chronicle*, June 16, 1921.

public, provided Japanese subjects "receive preferential rights for obtaining hunting, fishing and forestry concessions in the Maritime, Sakhalin, and Kamchatka provinces, and for the development of the mining resources and gold mines in the Maritime and Amur provinces."[79] About the same time (in June, 1921), the Japanese military authorities, according to other alleged agreements,[80] attempted to unite the followings of Semenoff, Kappel and Merkuloff into a single group under Semenoff. But the attempt failed because Merkuloff refused to submit to Semenoff's leadership.[81]

By this time the chronic stupidity of Semenoff had again exhibited itself—he had failed absolutely in driving the Chita authorities out of power. There was only one Russian reactionary left, and that was General Wrangel who, with a forlorn following, was marooned in the neighborhood of the Crimea, several thousand miles away. It is a generally recognized fact that France had been supporting Wrangel in his attempts to overthrow Sovietism in Russia. His failure and the financial straits of France created an opportunity for the Japanese, which, according to alleged agreements recently published, they immediately seized. It is charged that in December, 1920, and January, 1921, representatives of the French and Japanese Governments carried on correspondence in which the Japanese promised to take the support of the Wrangel troops off French hands and transport them to Siberia, to be used against the Chita Government, "which is permeated with Bolshevik ideas," provided the French would give Japan a free hand in Siberia. In March, 1921, it is said that a secret treaty was signed by the French, Japanese and Rus-

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[79] For the alleged treaty, see New York *Times*, January 4, 1922.
[80] New York *Times*, January 5, 1922.
[81] The Japanese Delegation admitted at Washington that Japan had supported Semenoff. See p. 30.

sian delegates, carrying these provisions into effect. As compensation for this anti-Soviet campaign, Japan was to receive complete domination of Siberia, including all concessions, and control of the Chinese Eastern Railway.[82]

The documents purporting to prove these agreements were published by the unrecognized delegation of the Far Eastern Republic at Washington in January, 1922. They were at once denounced as forgeries by the French and Japanese representatives there.[83] It is true that the language of the alleged treaty was not couched in diplomatic terms, which may possibly indicate Bolshevik origin.[84] A report from Paris also stated that the existence of these documents became known last July, when the French Foreign Office denied their authenticity.[85]

On the other hand, these facts should be considered. As early as April, 1921, there were reports that Wrangel was endeavoring to get the French Government to send his troops to Siberia. On April 17, the French Government denied the reports that it had agreed to this plan.[86] But about six weeks later, M. Chicherin, the Soviet Commissioner for Foreign Affairs, dispatched a note to Lord Curzon, the British Secretary of Foreign Affairs, in which he indirectly repeated the same accusation. After protesting against the activities of Japan in Siberia, he says, "But the responsibility for these hostile acts cannot be confined to the Japanese Government alone. There are proofs in existence that the French Government, in its implacable hostility against the power of the workers and peasants in Russia, is an active instigator in the fresh campaign of

[82] This correspondence was printed in full in the New York *World*, January 2, 1922.

[83] The French foreign office also denied the existence of this agreement. *Journal des Débats*, éd heb., January 6, 1922.

[84] See an editorial, "Highly Dubious Documents," New York *Evening Post*, January 3, 1922.

[85] New York *Times*, January 4, 1922.

[86] *Ibid.*, April 18, 1921.

intervention, and is participating in the plan of Japanese conquest in Siberia."[87] As late as November, 1921, consuls in Harbin confirmed the report that the British and French governments had agreed to transport 10,000 Wrangel troops to Vladivostok.[88] Moreover, it has been the fixed policy of France to utilize every possible opportunity to attempt the overthrow of the Soviet Government, and it has been the fixed policy of Japan to take advantage of every such opportunity to establish her own influence in Siberia.[89]

Perhaps there is not sufficient evidence to reach the conclusion that France has implicated herself in the Siberian muddle to the extent alleged by the Far Eastern Delegation. But in view of these facts there is every reason to believe that negotiations had been in progress to bring about the transportation of Wrangel's followers to Siberia, and that they were to be supported in their activities there, as have been the Semenoff and Kappellite troops, by the Japanese for imperialistic ends.[90]

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[87] London *Times*, June 10, 1921. See also the New York *Times*, April 6, 19, 27, May 5, 1921.

[88] Kokusai dispatch, Japan *Weekly Chronicle*, December 1, 1921.

[89] According to a Dalta dispatch of December 24, 1921, 768 soldiers of Wrangel's and Denikin's former armies had just arrived at Vladivostok. But according to a United Press dispatch to the New York *Evening Sun*, March 14, 1922, the Soviet Government also charged that Wrangel was being backed by French and American oil interests in a proposed attack against the Baku oil fields, in case the Genoa Conference should fail.

[90] An interesting sidelight on Semenoff's activities has recently been disclosed in the Shanghai courts. Suit has been entered against Semenoff, who was staying there, by the wife of a former officer of Kolchak's for half a million dollars. In 1919 Semenoff had sent a letter to this officer to be forwarded to the Japanese War Minister. But the officer opened it, and discovered an agreement between Semenoff and the Japanese Government. In attempting to report the matter to Kolchak, the officer was arrested by Semenoff. Although he escaped, his wife was arrested and confined for eighteen months. She is now suing for damages. Japan *Weekly Chronicle*, October 13, 1921. *Cf.* also the action brought against Semenoff upon his arrival in the United States in the spring of 1922.

In defense of the prolonged occupation of Siberia, the Japanese asserted that the maintenance of troops there was necessary to insure order and suppress Bolshevism. But their presence there had exactly the opposite effect. In a telegram to the Japanese Minister of Foreign Affairs, Mr. Krasnochekov, head of the Far Eastern Republic, recently declared: "The local authorities find it impossible to establish order, thanks to the opposition of the Japanese military command to the lawful authorities, and to its sympathies with the enemies of law and order. The Japanese command by force of arms is holding back the authorities of the law from fighting with the criminals and establishing order. . . ."[91] His statement was proved by the fact that no "revolutions" occurred in the districts of Siberia subject to the exclusive control of the Chita Government, but only in districts "guarded" by Japanese troops. The very presence of Japanese troops in Siberia encouraged instability.[92] Moreover, the policy of armed intervention was driving the Far Eastern Republic into the arms of Moscow. So far the Chita Government had declined the use of Soviet troops. Although it was a Socialistic government, it was not Bolshevist;[93] but if the Japanese should become strong enough actually to threaten its existence, it would be mere self-preservation for it to call upon the Bolshevik Government for help. Moreover, the continual intrigues of the

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[91] *Current History*, May, 1921, 248.

[92] The United States pointed out, in a note to Japan protesting against the occupation of Sakhalin, May 31, 1921, that "continued occupation of the strategic centers in eastern Siberia . . . tends rather to increase than to allay the unrest and disorder in that region."

[93] On this point, and for an intimate account of the leaders, organization, and problems of the Far Eastern Republic, see a series of articles by Orrin Keith, "The Far Eastern Republic," North China *Herald*, August 6, 20, September 10, 24, 1921. See also "A.B." "La République d'Extrême-Orient," *L'Europe Nouvelle*, November 12, 1921; *A Short Outline of the History of the Far Eastern Republic*, published by the Far Eastern Delegation at Washington, 1922.

Japanese War Office in Siberia offered Lenine and Trotsky an excuse actually to carry Bolshevism into Asia in order to defend Russian territory against Japanese imperialism."[94]

Up to August, 1919, the Siberian expedition had cost the Japanese people $100,000,000. It had been money poorly invested, as every attempt made by the Japanese General Staff to subsidize Horvath, Semenoff, the Kappelites, and Merkuloff, had miserably failed. Public opinion in Japan demanded that the Government be relieved of the continued expense of such an unprofitable investment, and many commercial interests complained of the effect which the occupation had upon trade.[95] Moreover, the occupation of Siberia would put Japan in a bad light at the coming conference at Washington. Consequently, it was decided to come to terms with the Chita Government. And a conference was opened at Dairen in the latter part of August, 1921, where the question of evacuation and the negotiation of a commercial treaty between the two governments was discussed. The Japanese representatives demanded concessions which they pledged the Far Eastern Republic to keep secret, but which it is certain included exclusive rights in regard to fisheries, commerce, and mines,[96] and also a demand for the annexation of northern Sakhalin and for the dismantlement of the forts of Vladivostok. Having failed to establish a protectorate over northern

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[94] *Cf.* Trotsky's speech before the Ninth All-Russian Congress at Moscow, in December, 1921, in which he threatened to use Russian troops to drive the Japanese out of Siberia. Trotsky, "The Red Army," *Living Age*, March 18, 1922. The Soviet Government is the only government which has actually recognized the Far Eastern Republic. This was done in an agreement of February 24, 1921, in which the Soviet Government retains possession of Kamchatka, but turned over to the Far Eastern Republic the other provinces which it claimed.

[95] See Chapter X.

[96] See the reported terms in Japan *Weekly Chronicle*, September 15, 1921. See also the article by Thomas Steep on Siberia, New York *Tribune*, January 8, 1922.

Asia, the Japanese military commercial machine now resorted to "peaceful penetration." If it supposedly acknowledges defeat by withdrawing its troops from Siberia, it will actually have won a victory because it will have secured monopolistic concessions and exclusive banking and tariff privileges—in fact, the Closed Door. And it is a truism that economic monopolies insure political control.

But the Chita Government proved to be no weakling. At the Dairen Conference it demanded the evacuation of the Japanese troops as the *sine qua non* of a commercial treaty. This led the Japanese Delegation to accuse Chita of "insincerity," and to declare that it could not set a date by which the troops would be withdrawn. A deadlock also arose over Japan's demand for the annexation of northern Sakhalin, which, the *Osaka Mainichi* suggested, might be solved by the purchase of this part of the island.[97] At any rate, no agreement could be reached, and the Japanese troops were still in Siberia when the Armament Conference opened in Washington.

VI

As a result, therefore, of the last two wars, supposedly forced on Japan by the imperialism of European powers, the Japanese military machine succeeded in annexing Korea and in acquiring the Asiatic holdings of two European powers—Russia and Germany.

By the close of the European War this machine had established a virtual protectorate over Manchuria—"the historic road of invasion into China."[98] It had scattered troops between Port Arthur and Harbin. It also had a foothold in Shantung province. From the economic standpoint, this meant access to Shansi coal. From the military standpoint,

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[97] As in Japan *Weekly Chronicle*, October 27, 1921.

[98] See Wellington Koo's remarks before the Far Eastern Committee, Washington Conference, December 3, 1921.

it meant a southern approach to Peking. Located in Port Arthur and Tsingtau, the position of Japan was immeasurably stronger than that of Russia or Germany had ever been. The subjection of China by Russia or Germany was impossible in view of the great distance from which troops and materials must come. But Japanese troops were but a few hours away. They were able to land at points north and south of Peking, which from the military standpoint had become indefensible. As a result of acquiring the Asiatic possessions of two European powers, Japan held the capital of China in a pair of tongs.

The Japanese military party not only dominated northern China but it also controlled the three trade entries into Siberia. The mouth of the Amur River was patrolled by Japanese gunboats; the port of Dairen, a principal outlet of Siberian trade (despite the fact that it is in Manchuria) was held by lease; the port of Vladivostok was held by Japanese soldiers. In addition, Japanese cruisers were stationed off Kamchatka, and Japanese troops occupied northern Sakhalin. Such was the situation in the Orient when the Government of the United States issued its call for a Conference on Limitation of Armament and Pacific and Far Eastern Questions.

CHAPTER II

A JAPANESE MONROE DOCTRINE

I

Although the Japanese military party has not hesitated openly to ignore the protestations of China against its imperialism, it has handled more warily the possible objections of Western powers. As will be seen fully in a later chapter, the military party has skillfully negotiated agreements with these powers which have bound them not to obstruct the progress of Japanese imperialism in certain parts of the Far East. Thus during the European War the Japanese Government signed a secret treaty with Russia which provided for "the safeguarding of China from the political domination of any third power whatsoever."[1] At a time when the Western world was helpless to prevent the exploitation of China, Japan exacted the secret treaties of February and March, 1917, in which the Allies granted her the German rights in Shantung and the islands in the Pacific north of the equator.[2] In November of the same year, the military party exacted from the United States the Lansing-Ishii agreement, in which this country recognized the doctrine that territorial propinquity gave a nation "special interests" in neighboring territory. Regardless of Mr. Lansing's interpretation of this phrase, there was only

[1] For the text, see MacMurray, *Treaties and Agreements with and concerning China*, 1328. The chief diplomatic instrument by which the Japanese military party has excluded foreign intervention in the past is discussed in the chapter on the Anglo-Japanese Alliance.
[2] For the text, see *ibid.*, 1167, 1168.

one possible meaning which the military party could attach to it.[3] In the fourth place, it secured what amounted to the approval of the Western world to its policies in the Orient in the Treaty of Versailles.[4] By means of these different agreements the Japanese military party attempted, before the Washington Conference, to bind the powers of

[3] Mr. Lansing explained to the Senate Committee on Foreign Relations what he had meant by "special interests," when he said, "Only the special interests that come from being contiguous to another country whose peace and prosperity were involved," the same interests which the United States had in Canada or in Mexico. He declared that the agreement did not in any way indorse the "Twenty-One Demands." Although this was the position of our government, Mr. Lansing was unable to secure the approval of the Japanese Ambassador, Viscount Ishii, to our interpretation of "special interests." Mr. Lansing told the Viscount that if "special interest" meant "paramount interest" he could not discuss it further; and that "no special privileges should be claimed by any foreign power." The meaning of "special interest" was not discussed again. In response to a question from Senator Borah as to whether Ishii adopted Mr. Lansing's construction, Mr. Lansing was forced to reply no. (See Hearings before the Committee on Foreign Relations of the United States Senate, *The Treaty of Peace with Germany*, 139-253. Washington, Government Printing Office, 1919.)

A few days before this agreement was signed, the Russian ambassador at Tokyo, Mr. Krupensky, reported to the Russian Government: "The Japanese are manifesting more and more clearly a tendency to interpret the special position of Japan in China, *inter alia*, in the sense that other powers must not undertake in China any political steps without previously exchanging views with Japan on the subject—a condition that would to some extent establish a Japanese control over the foreign affairs of China. On the other hand, the Japanese Government does not attach great importance to its recognition of the principle of the Open Door and the integrity of China, regarding it as merely a repetition of the assurances repeatedly given by it earlier to other powers and implying no new restrictions for the Japanese policy in China."

Japan violated the agreement with the United States as to the announcement of the note, as the Japanese Legation at Peking notified the Chinese Government of its existence on November 4, three days before the two governments had agreed it should be announced. It is suggested that Japan wished to be the first to notify China, in order to enforce on China and the United States her paramountcy in all diplomatic relations with her. Furthermore, the Japanese Legation used certain characters in the Japanese and Chinese text which implied "vested interests" and proprietorship, something quite different from the ordinary conception of "special interests." See "The Ishii-Lansing Agreement," Japan *Weekly Chronicle*, August 4, 1921.

[4] See p. 20.

Europe and America to a policy of nonintervention in the Orient.

II

Thus left with Asia on its hands, the Japanese military party has been confronted with three different means of carrying into effect what it calls an Asiatic Monroe Doctrine: (1) the policy of force; (2) the policy of divide and rule; (3) and the policy of persuasion, exemplified in a Chino-Japanese Alliance. During the past seven years, the military party alternated between the first two of these policies. The occupation of Kiaochow in 1914, the Twenty-one Demands in 1915, and the seizure of northern Sakhalin in 1920, were illustrations of the policy of force. Such a policy was effective as long as China and Siberia were defenseless and outside powers refused to intervene. But even the Japanese oligarchy was foresighted enough to realize that such a policy cannot be permanently successful. Japan, with a population of 56,000,000 and impoverished resources, cannot hope to maintain in rebellious subjection a continent of 400,000,000 or 500,000,000 people.[5]

Convinced of the shortcomings of a policy of force, the Japanese hierarchy has therefore supplemented it with Louis XI's policy of divide and rule—the policy of setting one-half of China or of Siberia against the other, and then walking off with the spoils, unnoticed or at least unrestrained by the contending parties.

Tokyo has been well schooled in Machiavellian diplomacy. According to disclosures of the Bolshevik Government, Japan subsidized the Revolution in Finland of 1900, obviously to weaken Russia's position in the Orient.[6] Later,

[5] Japan will also be handicapped because of the fact that it has few friends among the other nations of the world, largely on account of its imperialistic policies. See *The Isolation of Japan*, (Amsterdam 1919) anonymous.

[6] "Japan and the Future of the Orient," *Le Correspondant*, as in *Living Age*, March 5, 1921.

in an agreement made at Geneva, Japan agreed to deposit $23,000,000 in London to the credit of the Russian Revolutionists of 1905. Before the annexation of Korea, she financed intrigues there in order to justify annexation under the pretext of preserving order.[7] It is also said that she has stirred up revolts in Abyssinia and in India, the probability of which is proved by Colonel Misumachi's threat.[8] As a divided China means a weak China, Japan also supported the Chinese Revolution of 1911. General Ishimoto admitted to the Japanese Diet that rifles to the value of 3,000,000 yen were shipped to the Revolutionists from Osaka. But Japan became frightened when, as an entirely unexpected result, a republic was organized which bade fair to maintain order in a united China and even to communicate "dangerous thought" to Japan. Consequently, the Japanese attempted to intervene in the Revolution of 1911 and restore the Manchus to power. In fact, its activities were so unneutral that the British Ambassador at Tokyo was instructed on three different occasions to remonstrate with Japan for pursuing a policy which "intended to end in the territorial disintegration of China."[9]

Defeated in its attempt to restore the Manchus, the Japanese military party next financed the abortive Revolution of 1913, led by Dr. Sun Yat-sen. Although this Revolution was not backed officially by the Japanese Government, it received the powerful support of a Chino-Japanese Industrial Corporation, directed by high government officials. In return for assisting the revolution, Japan was to receive concessions.[10] During 1915, it is alleged that certain Japanese entered into a secret agreement with Sun Yat-sen to

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[7] See authorities cited, p. 8.
[8] Pooley, *Japan's Foreign Policies*, (1920) 52.
[9] *Ibid.*, 69.
[10] For the documents, see Weale, *The Fight for the Republic in China*, (1917) 140.

undertake a third revolution in China, financed by Japanese capital.[11]

Very strangely, the third Revolution of 1917 was caused by China's declaration of war against Germany. The Prime Minister Tuan believed that China should enter the War; but Parliament refused to authorize China's participation out of fear that the army raised for that purpose would really be used to increase the Minister's power. The President of the Republic also suspected the motives of the Prime Minister and dismissed him from office. In the midst of this dissension, an attempt was made to restore the Manchus to power. It failed, however, and Tuan regained control of the Peking government. In the meantime Parliament had fled and set up an independent government at Canton.[12]

This dissension was Japan's opportunity. It readily turned to the support of the militaristic Government at Peking, which was dominated by a clique called the Anfu Club, led by Generals Tuan and "Little Hsu." In return for following a conspicuously pro-Japanese policy, the Peking Government now was recklessly subsidized by loans. Through the medium of a mysterious Mr. Nishihara, Japanese organizations, apparently backed by the Japanese Government, extended to the Anfu régime a total sum amounting to over $110,000,000.[13] Some of these loans were secured by Chinese Treasury notes, worth about as much as a Russian rouble. For others the Chinese generals bartered away the most valuable resources in China.[14] Up to the time of the Washington Conference not even the interest

[11] Pooley, *op. cit.*, 103.

[12] Tsiang, "What the Chinese Republic is Doing," *Current History*, September, 1920.

[13] See Mr. Powell's articles in *Millard's Review*, as in Millard, *Democracy and the Eastern Question*, p. 182. See also Reinsch, "Japanese Yen in Chinese Politics," *Asia*, January, 1922, 182 ff.

[14] For a list of the loans recently made to China by Japan, see Weale, *Truth About China and Japan*, 178, and Cheng, *Modern China*, 285.

on these loans had been paid, because their principal, instead of being used for productive purposes, had been dissipated among the Chinese Tuchuns into whose hands the money ultimately fell.

The knavery of these generals was illustrated by General Ma Liang, governor of Shantung province in 1919.[15] In the midst of the wrath of the people over the Shantung award, he publicly declared it would be better for China if it belonged to Japan as did Korea, and he threatened to execute any one who boycotted Japanese goods! The Japanese banks which, with shocking credulity, helped to float bonds for these Chinese aristocrats now demanded that action be taken to protect their interests. Thus Japan had one more opportunity for intervention in China. It may be legal enough for one nation, acting independently of all other nations, to lend money to a government notoriously corrupt, but recognized by other powers. Nevertheless, the policy worked admirably to the interest of Japanese imperialism.

In July, 1920, the President of the Peking Government, who had remained aloof from party factions, came to blows with the Anfu Club. As a result "Little Hsu" was badly beaten, and the members of his discredited party took refuge in the Japanese legation at Peking where they were willingly given shelter. The Japanese, however, promised that the refugees would not be permitted to leave or to communicate with the outside world. Nevertheless, "Little Hsu" was smuggled out of the city in a Japanese motor car and the Chinese were not notified of his "escape" till two days after he had gone. The Chinese thereupon posted guards at each entrance of the legation quarters in order to prevent the flight of other refugees. This led to a formal request by the Diplomatic Corps that the guards be withdrawn, because they reflected on the dignity of that body.

[15] Sokolsky, "Shantung under General Ma Liang," *Current History*, November, 1919, 350.

As the Chinese have a great sense of humor, they probably replied, in imitation of the Japanese *in re* Shantung and Siberia, that while they agreed that the guards should be withdrawn, the "time was not ripe!" Under international law, the right of asylum even to political refugees, is one which is in dispute.[16] It is a right which the United States and most other countries, except in South America, refuse to recognize. But regardless of the legality of the question, the harboring of Chinese traitors in Japanese legations was a policy bound to confirm suspicion as to the motives of the military party.

Despite the collapse of the Anfu Club, the Japanese military party soon restored its influence in northern China by supporting another renegade, Chang Tso-lin, the Tuchun of the three eastern provinces. This Chinese war lord managed to maintain an army of 300,000 men, through which he was in a position to dictate to Peking. The last exhibition of his strength was shown in the formation of a new cabinet, under Liang Shi-yi, in the latter part of December, 1921. Chang's funds seemed inexhaustible, and by a coincidence not difficult to explain, the Japanese concessions in Manchuria continued to increase, and Japanese activities there left comparatively undisturbed.

In fact, it was either by means of these corrupt governments or by force that Japan was able to exact so many treaties from China, giving her a so-called "legal" title to the exclusive privileges she thus secured.

However, neither the policy of force nor that of divide and rule proved entirely successful. The difficulty of collecting the interest on the loans made by the Terauchi Ministry, the outraged resentment of the Chinese over the Shantung award, the anti-Japanese boycott, the National

[16] Westlake, *International Law*, i, 282, Moore, *Digest of International Law*, sections 291-307.

Hara ministry, he said that Japan should
China ungrudgingly with loans. This suggesti
been made with all sincerity. But in the fac
participation in the Chinese Consortium, it had
appeal. The Japanese press reported that "
powers are hostile to this proposal, and proce
obstacles in the way," it was the opinion of
Minister "that Japan can secede from the Con
go her own way." He apparently recognized th
sortium would hinder the exclusive exploitatio
by Japan. Consequently, he urged an "econom
as a means of setting it aside. It is a significa
the author of this proposal is now Prime Minis

During the three months preceding the Washi
ference, the press was full of rumors that the
Delegation intended to advocate international c
China—the last thing to which China would agre
by later events, it is quite probable that ma
rumors came from Japanese sources. For they
n opportunity to cry "hands off" China, and
er sole defender against "Nordic imperialism."
xpression of Japan's "friendship" came in Ba
tatement to the Conference Committee on Paci
astern Questions, on November 19, 1921, t
anted "to avoid all action that may be

intervention in the internal affairs of China. All that this conference can achieve is, it seems to me, to adjust China's foreign relations, leaving her domestic situation to be worked out by the Chinese themselves."[20] This statement appeared to represent a very laudable sentiment; but in view of the past statements of the directors of the Japanese military machine, it seems certain that the Japanese themselves wish to supervise the domestic affairs of China through a Chino-Japanese Alliance brought about if possible by good will. But because of the outspoken hostility of the Chinese toward Japan over the Shantung and other questions, this policy of reconciliation had not proved successful before the Washington Conference convened. Only the future will tell whether or not the Japanese military party will be able to realize its desires by this means.

IV

Such have been the ambitions of, and the weapons used by the Japanese military party during the last seven years to secure control of Asia. In order to make more certain this achievement, the party proposed also to annex the German islands of the Pacific, the fortification of which would definitely prevent the military intervention of foreign powers in the Orient. The war provided an opportunity.[21] Shortly after the occupation of Tsingtau, Japanese troops took over the Caroline and Marshall islands, the chief possessions of Germany in the Pacific north of the equator.[22] In the secret treaties of 1917 Japan secured the con-

[20] New York *World*, November 20, 1921.

[21] For a general discussion of the part played by Japan in the European War, see Porter, *Japan, The Rise of a Modern Power*, (1918) 252 ff.

[22] Germany held three main groups in the Pacific: (1) German New Guinea and the islands surrounding it; (2) German Samoa, also south of the Equator; (3) the Caroline, Marshall, Mariana, and Pelew islands, lying north of the equator between the Philip-

than 5,000 tons of copra and 285 tons of sug
from them annually. Moreover, they have
tural value as they are composed largely of
of volcanic origin (five out of the fourteen
volcanos). Neither can they provide a real p
let because their total area is only 960 miles
supports some 50,000 or 60,000 natives.[23]

Secondly, and more important, these islan
or were able to control the communications
and America. Before the war there were two
municating with China: via an American li
German line. In 1903 the Commercial Pacifi
pany completed an American cable from San
Honolulu and to Guam. From Guam cables
Tokyo and to Manila in the Philippines. Th
a cable from Manila to Shanghai.[24]

But the United States had no direct cabl
with China. Consequently, rather than re
through the Philippines, it ordinarily used
cable system which centered in the little isl
There were three cables which converged he
necting Guam and Yap; one connecting Yap

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pines and Hawaii. The islands south of the equator w
British Empire by the Treaty of 1917. For an excell

our only means of communicating with the Dutch East Indies; and a third, connecting Yap with Shanghai. The Guam-Yap-Shanghai cable was especially important to American commerce because it was shorter than the Guam-Philippines-China route, and it was safer inasmuch as the other connection was frequently broken by dangerous waters west of Guam.[25]

The control of cables has great commercial advantages because it enables a nation to learn trade secrets of competitors and to hold up their orders to the benefit of its own merchants.[26] In addition to the obvious military advantage derived from the ownership of communication facilities, the ownership of these cables by Japan would enable her to control much of the news going from China to the United States, and vice versa. Once in possession of the German islands, Japan would be in a position even to threaten our cable connections with the Philippines. Consequently, the annexation of the German islands and cables became another axiom of the Asiatic Monroe Doctrine. When the Japanese Navy took possession of Yap it disconnected the three German cables, sealed up their ends, and towed the Yap-Shanghai cable over to Naha in the Loochoo islands.

Material as these motives were for securing the annexation of the German islands, there was one of still more importance to the military party: that was to secure naval bases in the Pacific which would make absolutely impossible the operation of a hostile fleet in Asiatic waters, and when the time came, would make it possible for a Japanese fleet to operate in American waters. These islands served Germany as naval bases before they were captured by Japan. In September, 1914, the *Emden* coaled at Angaur, in the

[25] Foord, "The Island of Yap," *Asia*, July, 1920.

[26] See the testimony of Newcomb Carlton before the Senate committee, as to Great Britain's surveillance of American messages, New York *Times*, January 11, 1921. See also Odell, "The Cable Control Controversy," *Nation*, February 2, 1921.

American base at Guam entirely. Once fo
would probably make the successful opera
ican navy in Far Eastern waters impossib

If the treaties of 1917 had been carried
Monroe Doctrine would have been well on
fulfillment, and the interests of the Unite
Pacific seriously threatened.

With this prospect in sight, Presider
prompted as much by self-interest as by h
to demand at Paris that all these secret tr
aside. Defeated in this attempt, he devised
mandates which was presumably to overco
hensive policy of annexations to which t
pledged themselves. The League of Nations
take the supervision of the former German
sacred trust of civilization."[28] The Allies c
these islands, but they could accept a "n
them, bestowed by the League. Three classe
were created, which came to be known as: (
Mandates, territories formerly belonging t
Empire to be aided by the powers "until suc
are able to stand alone;" (2) the Class-B M
peoples, such as in Central Africa, whom t
must govern "under conditions which will

traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League;" (3) the Class-C Mandates, over peoples, such as in southwestern Africa and in the "South Pacific Islands" [29] which, because of the "sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatory," *are to be administered under the laws of the Mandatory as integral portions of its territory.*

By virtue of these provisions Japan was forced to give up her hope of annexing the islands of the Pacific. Instead, on May 7, 1919, she was given a Class-C Mandate over them.[30] On December 17, 1920, the Council of the League, meeting at Geneva, announced in regard to Japan's Class-C Mandate, that "the Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require. The Mandatory shall promote to the utmost the material and moral well-being and the social

[29] It is interesting to note that Article 22 speaks only of the *South* Pacific. It does not mention the islands north of the equator as Class-C Mandates.

[30] At the same date, the Paris Conference made the following allocation of mandates: (1) Togoland and the Cameroons: France and England to make a joint recommendation to the League as to their future; (2) German East Africa, mandate to be held by Great Britain; (3) German Southwest Africa, the mandate to be held by the Union of South Africa; (4) German Samoa, the mandate to be held by New Zealand; (5) Nauru, the mandate to be held by the British Empire; (6) the other islands south of the equator, the mandate to be held by Australia and New Zealand; (7) and the German Islands north of the equator, the mandate to be held by Japan. Yap was at first reserved but later included in the Japanese mandate.

progress of the inhabitants of the territory subject to the present Mandate." It declared that Japan should prohibit slavery and forced labor, except for essential public works, and then for compensation; and should control the traffic in arms and ammunition. The supply of intoxicating spirits to the natives was prohibited. Of more importance were the following provisions: "The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, *no military or naval bases shall be established or fortifications erected in the territory.*" Also, "Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State, member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling."[31]

In other words, the former German islands north of the equator became integral parts of Japan, subject to these restrictions: (1) No conscription laws could be applied, and (2) no fortifications or naval bases erected.[32] Except for these limitations, Japan became as free to shut foreigners out of these islands, except missionaries, as out of Japan, and to govern them as she pleased.

President Wilson's ulterior purpose in devising the Mandate system, as far as the Pacific was concerned, was to deprive these islands of any military value. According to the term of the mandate, Japan could not fortify or use them as naval bases. But despite this provision, the Japanese military machine practically gained the same end.

[31] League of Nations, *Official Journal*, January-February, 1921, 87, 88.

[32] The other restrictions imposed by the League are immaterial; that is, there is no slavery in Japan and missionaries are allowed to enter.

The accusation was repeatedly made that Japan was violating this provision: that she was secretly fortifying the islands, and that she had established a submarine base in the Marshalls and had stored a reserve supply of oil there.[33] This statement was denied by the Japanese War Office and by impartial observers.[34] Nevertheless the following facts remained: These islands were within striking distance of American possessions. They were administered by the Japanese Navy Office, (although the civil administration is nominally in control)[35] which is subject to no civil authority. Moreover, these mandates were seized upon as an excuse to fortify other possessions between the mandates and Japan. The *Mainichi* declared that "the national defense program in the Pacific is steadily in the process of materialization." By the time the Washington Conference opened, the Navy had spent $750,000 in fortifying the Bonins and established a port of call and a watchtower on other islands.[36]

Japan's conception of an Asiatic Monroe Doctrine was also illustrated in the policy inaugurated in these mandates. She immediately restricted the right of foreigners to trade with the islands, although before 1914, Germany enforced the Open Door. Only one Australian company and one San Francisco company were able up to the fall of 1921 to secure the permit which Japan requires before trade can be carried on. As a rule, "securing a permit requires many formalities and long delay. In many instances, the latter is unending. The permit is not refused. It merely is not granted." [37]

Legally, Japan was entitled to close the door in these islands because the terms of a Class-C Mandate contained

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[33] See Joseph Timmons' article, "Jap Menace Lies Black on Pacific," Los Angeles *Examiner*, March 20, 1921.
[34] Wood, "Japan's Mandate in the Pacific," *op. cit.*
[35] *Ibid.*
[36] Japan *Weekly Chronicle*, June 16, July 21, 1921.
[37] Wood, *op. cit.*; see also Wood, "Japan's Mandatory Yields Little Trade," *Trans-Pacific*, August, 1921.

no provision for equality of opportunity. In fact this policy was forced on Japan by Australia who would not permit the unrestricted immigration of Japanese into the mandated islands which Australia and New Zealand had received in the southern Pacific.[38] Nevertheless, the commercial interests of the United States were to a certain extent impaired by the action of Japan and of the League. Although the trade of these islands is not large, there are considerable phosphate deposits in the island of Nauru, now exploited by a British monopoly; similar deposits in the island of Angaur in the Pelew group, in charge of a Japanese naval monopoly; and oil resources in the island of Papua, controlled by the Anglo-Persian company.[39]

Moreover, the Japanese occupation of these islands also threatened American missionary influence there. It was rumored that the Japanese authorities, interpreting the nature of missionary work literally, had decided eventually to close out all mission schools and replace them with Japanese.[40] Legally, the Japanese even had a right to exclude American missionaries altogether because the United States was not a member of the League, and the mandate provided that only missionaries of states who were members of the League were entitled to admission. Although the American Board of Commissioners for Foreign Missions (in charge of the American work in the islands) declared that these rumors had "hardly been fulfilled,"[41] yet suspicions inevitably persisted because the power which Japan might exercise under the mandate in this respect was unlimited.

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[38] Upon the failure of Japan to secure a provision for equality of opportunity in the Class-C mandates, she made a declaration in which she refused to acquiesce "in the submission of Japanese subjects to a discriminatory and disadvantageous treatment in the mandated territories." League of Nations, *Official Journal*, January-February, 1921, 95.

[39] Dennis, "The Island Mandates," New York *Times*, November 27, 1921. Also Keith, *War Governments in the Dominions*, (1921) 192 ff.

[40] Wood, *Asia*, *op. cit.* [41] Letter to author, August 31, 1921.

This mandate also injured the communication facilities of the United States with the Orient. Despite the fact that Japan was not entitled to annex the Pacific islands, she was virtually authorized to annex the German cables in the Pacific, which vitally affected the interests of China, Holland and the United States. In the Treaty of Versailles, Germany renounced in favor "of the Principal Allied and Associated Powers all rights, titles or privileges of whatever nature" in these cables.[42] The general public thought little of these provisions, or, in fact, of the Yap Mandate, until the International Conference of Communications met in Washington during November and December, 1920. Undoubtedly, the Allies would have handed over these cables to Japan, along with the Yap Mandate, if the United States had not intervened. Through acting Secretary of State Norman H. Davis, this Government attempted to secure the internationalization of Yap and the equitable division of the three cables concerned. But Japan refused to surrender its control over the island. Consequently, the Conference decided that the cables should be administered jointly until a settlement could be reached. The Conference continued with some interruptions until the latter part of February, 1921, when Japan insisted that its rights in Yap be recognized in view of the mandate given her by the Paris Conference on May 7, 1919. President Wilson, however, had made "specific reservations regarding the island of Yap," at Paris, "and had taken the position that it should not be assigned under mandate to any one power but should be internationalized for cable purposes." The President "assumed that this position would be duly considered in connection with the settlement of the cable ques-

[42] Treaty of Versailles, Annex VII to Part VIII, Reparations. See also Higgins, "Submarine Cables and International Law," *The British Year Book of International Law*, 1921-1922, 27.

tion and that it therefore was no longer a matter for consideration in connection with the peace negotiations."[43] Despite this verbal reservation, the League Council confirmed the award of Yap to Japan on December 17, 1920. Japan's determination to stand upon this award finally led Secretary of State Colby to dispatch a note (February 23, 1921) to the Council of the League, in which this Government declared that it could not sanction this disposition of Yap in view of its repeated reservations made at Paris, and requested that the matter be reopened.[44] On March 1st, the League Council adopted a conciliatory reply in which it admitted that the United States was entitled to consideration in the mandate drafts, but that the allocation of mandates had been made by the Supreme Council. The only power which the League Council had was to define the terms under which the mandates were to be administered.[45] The American Government thereupon dispatched identic notes to the powers represented on the Supreme Council (April 2, 1921)[46] in which it raised the whole mandate question. It declared that the right to dispose of the German colonies had been acquired only by the victories of the Allied and Associated Powers, not the least of which was the United States. Therefore, no valid disposition could be made of these possessions without the consent of the United States. The rights acquired by this country could never be ceded to Japan except by treaty, but no treaty had been made. The Council of the League of Nations was therefore without authority to bind the United States to its award. It made no difference whether the minutes of the meeting of May 7, 1919, mentioned the reservation made by the President or not; because the United States had not ratified its

[43] Wilson to the State Department, March 3, 1921, quoted in the American note of April 2, 1921, to the Allied powers.
[44] League of Nations *Official Journal*, March-April, 1921, 137, 138.
[45] *Ibid.*, 142, 143.
[46] The note to Japan contained several additional paragraphs.

action. This Government did not demand exclusive rights in Yap, but merely that the island be internationalized for the sake of freedom of communication.

As the matter was one which could be adjusted best by direct communication between the two powers concerned, the United States and Japan carried on negotiations over it for five or six months. It was not until December 13, 1921, in the midst of the Armament Conference, that a summary of the agreement on the Yap question was published: In the treaty signed February 11, 1922, Japan granted to the United States the right to land and operate on the island of Yap the Yap-Guam or any cable which it wishes to build in the future.[47] Similar rights are accorded in regard to radiotelegraphic services. In return, the United States recognizes the Pacific Mandate of Japan. The United States is to benefit by all the engagements which Japan has made in regard to the islands to the members of the League of Nations.[48] American missionaries are also permitted to open schools in the mandated territory. Finally, treaties now in force between the two powers are to apply to the islands—a provision which virtually means the right to trade.[49]

Frankly a compromise, the Yap settlement did not meet the original demand of the United States for internationalization. But as far as activities of peace are concerned, the United States obtained practically all the other rights to which it was entitled in a territory controlled by another

[47] No action, however, was taken in regard to the ex-German cables which is a subject to be dealt with by the five Principal Allied and Associated Powers. However, it is probable that the Yap-Shanghai Cable will be given to Japan, the Yap-Guam cable to the United States, and the Yap-Menado cable to the Netherlands. On February 17, 1922, an International Cable Conference was called to adjust this question, New York *Times*, February 18, 1922.

[48] See p. 56.

[49] See Articles I and IV of the Treaty of 1911 between Japan and the United States. Charles, *Treaties and Conventions of the United States*, 77. For the Yap Treaty, see Appendix III.

power. Nevertheless, the fact remains that if war should break out, it is very probable that Japan would use these islands as a basis of attack.

Yap was not worth fighting over. It is only eight miles square, less than a third of the size of Guam. Its harbor is large enough to accommodate only three steamers of a combined tonnage of 89,000 tons.[50] It has therefore little value. Yet the Yap incident and the cable incident were important for what they represented. They symbolized the Asiatic Monroe Doctrine: the right to dictate the settlements of the Orient. This was especially true of the cable controversy. Not one of the three ex-German cables touches Japan. One goes to Guam, which is American territory; the other goes to Menado, which is Dutch territory; the third goes to Shanghai, which is Chinese territory.[51] Yet Japan claimed them all. If her contentions had been granted by the United States, the Asiatic Monroe Doctrine would have passed into the category of an accomplished fact.

V

In this and the previous chapter, the designs of the Japanese military machine and the means which they have used to execute these designs, have been reviewed. In the hope of misleading the world by a liberal phraseology, they have dubbed their ambitions with the high-sounding title, "An Asiatic Monroe Doctrine." They blandly assert that Japan wishes to do for Asia what the United States has done for the Americas: both have undertaken a mission of mercy. But in view of the past intrigues of this military clique, the Asiatic Monroe Doctrine is obviously no Monroe Doctrine at all. Politically, the real Monroe Doctrine

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[50] Japan *Review*, April, 1921.

[51] That is, in peace time. During the war, Japan cut the Shanghai cable and tied it to one of her own islands.

means that the independence of the South American nations is guaranteed by the United States against the encroachments of the world. This has been a real guarantee. The United States has never attempted to establish a political hegemony over Canada and South America.[52] Economically, the real Monroe Doctrine means a free field for all. It has never been used to the profit of American trade and investments. In fact, the majority of foreign investments in South America before the war were held by Europeans, and the greater part of South America's foreign trade went to Germany and England. The real Monroe Doctrine means political independence and equality of commercial opportunity. The Asiatic Monroe Doctrine means political domination and the Closed Door.

VI

The past imperialism of the Japanese military party, as embodied in this doctrine, vitally affected the interests of the United States.[53] The Japanese Monroe Doctrine ran counter generally to our Oriental policy which has been to "preserve Chinese territory and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire."[54] As a result of this conflict, the United States repeatedly protested against the activities of Japan in the Orient, whether it was against her commercial activities in Manchuria, the Twenty-One Demands (where we

[52] This statement is made with all due regard for our occasional departures from the policy of nonintervention, as in Cuba and Santo Domingo.

[53] The conflict of interests in the cable controversy has already been discussed.

[54] John Hay to Mr. Herdliska, chargé to Austria-Hungary, *U. S. Foreign Relations,* (1900) 299.

made a mild protest indeed), the occupation of northern Sakhalin, the mandate of Yap, or the Langdon affair.[55]

Moreover, Japan's policy of annexations and of colonial administration actually increased ill feeling between the two nations. President Wilson's "Fourteen Points" had much to do in arousing the present nationalist movements of the world. Naturally they fortified the demands of Korea for independence, already justified by Japanese suppression of local liberties. The methods which Japan used to suppress these revolts have brought horror to the peoples of the West. To quote the Peking and Tientsin *Times:*

> Whole villages have been wiped out and hundreds, if not thousands, of people have been brutally done to death and their bodies disposed of in a manner which implies a deliberate intention to outrage the deepest sentiment of the Korean people. Apparently the Japanese troops have deemed it a part of their mission in this territory to indulge in pillage and thievery, and in some cases even farm stock has been burned alive. Whole communities have been driven to panic-stricken flight, and their plight during the harsh winter of these parts must be beyond imagination. The members of the Christian Church have, of course, felt the full severity of Japanese hatred, and incidents in the present campaign in Chientao prove once again the unreasoning antipathy of the Japanese to the spread of Christianity in regions where Japan exercises or desires to exercise predominant power. It is impossible to controvert these detailed stories, which have been forwarded to us from foreigners in whose veracity and sense of responsibility we cannot but have the most confident faith.[56]

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[55] For the protest *in re* Manchuria, see *ibid.*, 1906-1907, 173 ff; *in re* the "Twenty-One Demands," see Chapter VIII; *in re* Sakhalin, see p. 28. For the Langdon affair, see p. 66.

[56] Quoted by *Millard's Review*, December 11, 1920.

See also "A Communication to His Excellency, Baron Saito, Governor-General of Chosen from the Federal Council of Protestant Evangelical Missions in Korea," September 29, 1919.

In regard to the restraints placed on missionary activities, this communication says:

"The propagation of the Gospel has been continually hindered.

The Japanese military party too often refuted the charges made against it by asserting that they were purposely instigated by American missionaries, not out of a sense of justice, but merely because of hostility to Japan.[57] The *Kokumin* declared that Presbyterian churches have harbored revolutionists. This paper said that after the war, American missionaries told the Koreans that "the victory of the Allies was due to the American participation, that America stood for justice and humanity, that she fought in order to rescue humanity from the horrors of war, and that she is endeavoring to reconstruct the world on the basis of permanent peace. They further told the Koreans that those who would follow the lead of America will prosper and others who oppose will fail. With such exaggerated words the American missionaries fanned the heat of American worship. At the same time, they kept their connections with the Korean outlaws and continued to communicate with the anti-Japanese Koreans in Korea and also in Shanghai, Hawaii and Australia." Practically every disinterested person in a position to know the facts denounced these accusations. Nevertheless, there was an irreconcilable

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Christian workers have been interfered with when attempting to preach by the roadside, on the street and in the market place. Groups have been prevented from meeting for worship in Christian homes on the ground that they do not have a permit. Permits are required before organizing a church or preaching place. A permit must also be secured before erecting or altering a church building. These permits have been delayed or even refused, much to the detriment of our work. Even Bible classes, evangelistic churches and meetings of church officers are not free from needless restrictions and unwarranted interferences. Missionaries in their travels have been watched constantly and often needlessly interfered with by officials. The arrival of each foreign guest must be reported within a day's time: under this law, if an itinerating missionary does not stop within easy reach of gendarmerie or post office, he causes his Korean host great inconvenience." See also "Memorandum of the Korean Mission to the Disarmament Conference, to the American delegation." *Korean Review*, October, 1921. Also Senate Document 109, 67th Congress, 2nd session.

[57] See p. 18.

conflict between America's sense of justice and the lust for conquest of the Japanese military party.[58]

Just as in the case of Korea, the policy of Japan in Siberia brought her into conflict with the United States. On the 8th of January, 1921, Warren H. Langdon, an American naval officer, was shot and killed by a Japanese sentry. There was absolutely no provocation for the shooting. About four o'clock in the morning, Langdon was challenged by a sentry on the streets of Vladivostok. He replied in Russian, and approached the sentry with a flashlight. After attempting to seize the light, the sentry drew back and permitted Langdon to pass. But when he had gone on a few steps, the sentry shot and killed him, shouting, "If you run away you will be a dead man."

The United States protested immediately after the shooting occurred.[59] It was reported that the note raised the whole question of the right of Japan to occupy Vladivostok and to maintain its military authority there, as if it were Japanese soil. The Japanese Government expressed its regret at the occurrence; Japanese officers stationed at Vladivostok offered their condolences; and Vice Admiral Kawahara telegraphed to Tokyo that it was a "lamentable occurrence"—all of which was to have been expected. At home, however, such papers as the *Hochi Shimbun* said that "the Government is doing everything to apologize to America when . . . no fault was found in the actions of the sentry who shot Lieutenant Langdon. Apparently the Govern-

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[58] Things have come to such a pass in Korea that recently a medical missionary was even fined $25 for secretly giving medical aid to a Korean malcontent wounded in an encounter with the Japanese police! (J. W. C., May 5.) The Japanese are now apparently also trying to play the Catholics against the Protestants in Korea. At the consecration of two new Roman Catholic bishops, Baron Saito expressed his satisfaction that the Roman Catholic converts in Korea have proved themselves "amenable to the administration, very coöperative and very conciliatory." (J. W. C., May 12, 1921.)

[59] New York *Times*, January 14, 1921.

ment has two stories—one for American consumption and the other for the Japanese."[60] The curious psychology of the Japanese mind was illustrated by the court-martial decision in the case.[61] The court admitted that the sentry had not discharged his duties properly; but nevertheless it decided that he was not guilty of the shooting. On the contrary, it was the Japanese commander of the garrison who was responsible because the sentry had not been properly instructed. At the same time, the sentry was found guilty of making a false statement at the trial, and sentenced to fifty days in jail! This settlement, Secretary of State Colby pronounced satisfactory, although the sentry was not punished for the death of an American officer, and although the right of Japan to exercise sovereign powers in Siberia was not discussed.

Japan and the United States also clashed in Siberia over the so-called Vanderlip concession. In October, 1920, it was announced that the Soviet Government of Russia had leased territory in Siberia for a period of seventy years to interests represented by an American adventurer, Washington Vanderlip. This district covered territory east of the 160th meridian, including Kamchatka, a total of about 400,000 square miles. In this vast empire, an American syndicate was to have the exclusive right to exploit all oil, coal and fishing resources.[62] Lenine admitted that this concession had been granted merely to embroil the United States and Japan,[63] because the Japanese had endeavored to obtain and in fact already held some of the same concessions, especially fishing rights granted by a treaty of 1907.[64] Since

[60] See New York *Times*, January 19.
[61] Printed in Japan *Weekly Chronicle*, March 3, 1921.
[62] Statement of Soviet Government Bureau, *Soviet Russia*, December, 1920.
[63] New York *Times*, November 29, 1920.
[64] For the Russo-Japanese fishing treaty, see *U. S. Foreign Relations*, 1907, iv, 784. Also see "The Fishing Industry of Kamchatka," *U. S. Commerce Reports*, May 1, 1920.

the establishment of the Chita Government the Japanese had attempted to extend their control of the Siberian fisheries by assigning to capitalists in their own country "the rights to conduct fishing in the waters of Kamchatka which have hitherto belonged to the Russian coöperatives and to other Russian citizens."[65] The Japanese authorities also demanded that the Chita Government renew and extend their past fishing rights. If it refused to do so, "The Imperial Government would be forced to take such measures of self-defense as it found necessary, so far as fishing rights are concerned."[66] Through Russian dummies the Japanese had also acquired the thirteen great timber concessions in Siberia.[67] Thus the Vanderlip concession conflicted directly with the claims of the Japanese. (As a matter of fact, it was just as reprehensible for Americans to obtain exclusive concessions in Siberia or in China as for Japanese. So far as morals were concerned, the Japanese had a better right to the exclusive exploitation of the resources than the United States, already wealthy and many thousand miles away. If the American Government should recognize concessions based on the monopolistic principle, in direct contravention with the Open Door, the conflict between it and Japan would become more acute than ever. And Japan's attempt to fasten an economic monopoly on Asia would be stimulated by the bad example of this country.)

Obviously, an Asiatic Monroe Doctrine conflicted with the legitimate commercial interests of the United States. In the past that doctrine had resulted in annexations which clearly diminished American trade opportunities. In Korea the Japanese tariff applies to the trade of outside nations,

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[65] Chicherin to Curzon, note, London *Times*, June 10, 1921.
[66] Japan *Weekly Chronicle*, February 24, 1921.
[67] *Kolnische Zeitung* correspondent, "Japan in Northeastern Asia," *Living Age*, January 14, 1922.

but Japanese merchandise enters free.[68] Undoubtedly Japan has a legal right to impose whatever tariff it likes on territory which is her own. For that matter the United States and France pursue the same policy of "assimilation" toward their colonies. But if Japan should succeed in the future in annexing more territory and if she should continue this tariff policy, the trade openings for the United States in the Orient would be correspondingly diminished.

As for the effect of Japanese economic control, a writer has said:

> Formerly the United States enjoyed a good trade with Manchuria. To-day that trade does not exist, except indirectly through Japan. The United States had a good trade with Shantung. America was the principal importer of Shantung pongee silks and laces, peanuts, and straw-braid, and American merchants had a fair share in the handling of them. To-day Shantung exports and imports are controlled by Japan. American and other foreign importers and exporters in Tsingtao are ousted. If Shantung remains in its present status, they will stay out.[69]

It is also illustrated by the figures of the Chinese cotton trade:

THE CHINESE COTTON TRADE

Figures Show Percentages of Total Trade

GRAY SHEETINGS

	1902	1913	1917
Japan	2.8	57.6	92.2
Great Britain	16.4	3.3	3.0
United States	69.0	35.3	2.4

[68] *Introductory Survey of Colonial Tariff Policies*, U. S. Tariff Commission, 36 ff.

[69] Bishop, "Shantung, Key to Peace in the Orient," New York *Evening Post*, October 26, 1921.

COTTON DRILLS

Japan	2.6	70.6	97.0
Great Britain	10.3	2.0	.6
United States	76.2	23.0	.1

PIECE GOODS

Japan	2.8	19.0	53.0
Great Britain	56.0	52.0	31.0
United States	27.2	7.0	.4[70]

The striking importance of these figures is in the tremendous increase of Japan's share of the cotton trade and in the decline of America's share from sixty per cent to less than two per cent of the total. Out of goods of a total value of $221,517,697 exported from the whole of Manchuria in 1920, only $16,514,377 went to the United States,[71] the great bulk of the trade going presumably to Japan. These facts could not be accounted for by natural causes. Whenever Japan secured a "sphere of influence," she drove out foreign traders. She did not always do this directly. But she held up American mail in Japanese post offices in order that Japanese orders might be more promptly filled; she held up cars ordered by Americans or loaded with American shipments, on Japanese-controlled railroads, in order to give Japanese goods the right of way. She discriminated likewise when she gained control of the administration of the customs and of telegraphic facilities.[72]

This policy not only injured the trade of the United States, but it injured opportunities for the investment of American capital. An illustration of the result of the

[70] Gallagher, *America's Aims and Asia's Aspirations*, (1920) 413. Also Appendix F.

[71] *U. S. Commerce Reports*, March 25, 1921, No. 69.

[72] See Hornbeck, *op cit.*, 263 ff., and Chapter IX.

policy of exclusive concessions was found in the case of the Federal Wireless Telegraph Company. This company had contracted with the Chinese Government to erect a wireless station in Shanghai, and several branches in other cities. In January, 1921, the Japanese Government vigorously protested against this contract on the ground that it violated a concession granted to the Mitsui Company.[73] The latter concession, signed by the Chinese Ministry of the Navy, granted the Japanese permission to erect and operate wireless plants "capable of communicating messages with Japan, Europe and America," which was interpreted by the Japanese to mean a monopoly of the wireless communications in a large part of China. England and Denmark also protested on the ground of similar concessions. After untangling the mess thus created, it was found that three different departments of the Chinese Government had signed away three wireless concessions to three different parties! However, the Chinese Government justified the American concession on the ground that the Japanese concern had not lived up to its contract. The American State Department firmly declared that it would be a "matter of serious regard if the Chinese Government abrogated the Federal contract." As a result, the Chinese authorities finally signed a supplementary bond issue, on September 19, 1921, which enabled the American company to proceed despite the protests of Great Britain and Japan.

Now Japanese capital has every right to seek channels of legitimate investment in China. It is also true that undertakings such as the development of a mine or the construction of a railroad are monopolistic in the sense that it is wasteful to have a number of parties feverishly undertaking to develop similar projects in the same locality.

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[73] For the terms of this concession, see Weale, *Truth about China and Japan*, 214.

Nevertheless, the best means of furnishing China with capital for these purposes is by a partnership of foreign capitalists, organized into a consortium, subject to severe international political control—a policy which Japan has always opposed.[74] Instead the Japanese military party has upheld the policy of nationalistic concessions, ordinarily wrung from China by force or secured from usurping generals who have no right to cede them away and who grant them for almost nothing in return for the support of their chronic revolutions. This policy inevitably led to bitterness, not only between Chinese and Japanese, but between Japanese and Americans, over sources of trade and investment which, once obtained by Japanese entrepreneurs, became closed to the outside world.[75]

The conflict of commercial interests of the United States and Japan in 1921-1922 was vastly more acute than before the war. Previous to 1914, the United States had been largely self-contained. It had cared little about foreign trade. It had done little to develop foreign markets. However, in 1920 the United States found an industrial organization on its hands, built up by the European War, the products of which exceeded the demands of the American consumers. The oversupply of goods produced at home was likely to be increased by importations from abroad. The Allied countries owed this nation a debt of some $14,000,000,000. This debt could never be paid in gold. It could be paid only in goods. But if these goods came in, they were likely to overwhelm our own manufactures, which had already overextended themselves. The only outlet, therefore, was the foreign market. Yet Europe was too impoverished to buy. But if the Asiatic Monroe Doctrine was successfully put into effect, Japanese enterprise would

[74] *Cf.* the Knox neutralization plan for the Manchurian Railroads of 1910.

[75] For other examples, see Chapter IX.

have effectually closed the remaining market of the Orient to American trade.

Finally, this doctrine conflicted with the interests of the United States because it violated the principles of international justice and because it threatened permanently the peace of the world. The doctrine of self-determination may have many limitations. But when applied to the hundreds of millions of people who inhabit Asia, it is fundamentally sound. It is sound from the moral standpoint because every people has a right to choose its own rulers. It is sound from the military standpoint because any other doctrine cannot be permanently successful. It is impossible for a nation, especially when inferior in numbers and resources to the countries it attempts to exploit, to fasten its yoke by physical force on a rebellious people. The Japanese military machine may be temporarily successful in imposing its will on the peoples of Asia, as yet too weak to offer serious resistance. But eventually it will be overcome. Yet until it is defeated, the whole world must stew in timid uncertainty, because of the fear of war.

Thus the policy of the Japanese military party conflicted with the policy of the United States in the Orient. It had led to personal feeling against Americans in Japan, and naturally against Japanese in the United States. It was a policy which led to disputes with the United States in regard to the occupation of Siberia and in regard to concessions there. It was a policy which was injuring our trade interests in the Orient; which threatened our interests in the islands of the Pacific; which contradicted our sense of justice; and which permanently threatened the peace of the world.

Because of these conflicts, the war clouds hovered over Japan and the United States in 1921 more darkly than ever before. It was in order to dispel them that the Washington Conference was called. This the United States Gov-

ernment indicated in its invitation to the powers to attend the Conference, August 11, 1921, when it declared that it was "quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement as to principles and their application."

The purpose of that Conference, therefore, was to localize the activities of Japanese imperialism which, as we shall soon see, was one of the causes which had led the other powers of the world to maintain great naval establishments. But before discussing the results of the Conference, it is first necessary to determine what the factors have been which have supported Japanese imperialism in the past. The first factor has been the form of government in Japan, which will be discussed in the next chapter.

CHAPTER III

MILITARISM IN JAPAN

I

Two constitutions now govern the Japanese people. The one was reduced to writing in 1889, and has nominally governed the Empire ever since. Its chief service, however, has been to permit the vigorous growth of an unwritten constitution, a product of artfully created tradition, which provides the actual basis for the Japanese Government to-day.

Created by Count Ito, the written Constitution of Japan is modeled after that of the old German Empire.[1] In theory, it elevates the Mikado to a position paralleling in power that held by the German Kaiser. The Mikado has practically all of the prerogatives of absolutism; he can forestall the attempts of the Diet to pass laws over his head by his right of promulgation; under certain circumstances, he can even pass laws himself by his power of ordinance; he can declare war, conclude peace, and make treaties; he is able to dissolve the House of Representatives; he confers titles of nobility and orders pardons; he carries on his Government through certain Ministers of State who are responsible solely to him and whom he may dismiss at any time. Moreover, the Emperor is officially proclaimed to be sacred, the living descendant of a line of

[1] The written Japanese Constitution of February 11, 1889, may be found in Dodd, *Modern Constitutions*, (1909) ii, 24; and in Brinkley, *History of the Japanese People*, 732. For the powers of the Emperor, see Chapter I of the Constitution.

Emperors "unbroken for ages eternal." According to the written Constitution of Japan, the Emperor is a theocratic despot.

However, he is obliged to govern "according to the provisions of the Constitution." And in the exercise of his executive power, he is assisted by a Privy Council and certain "Ministers of State." As the Privy Council existed before the Constitution of 1889, little was said in that document concerning its powers. It is composed of ten Cabinet Ministers and twenty-nine other members; and its principal duties now are to give advice on proposed amendments to the Constitution, on ordinances, and on international treaties and agreements.[2] The Ministers of State (actually the Cabinet) supervise the administrative activities of the Government and recommend legislation for the Diet to approve.

Legally, the Emperor is therefore subject to the advice of these bodies. Article LV of the Constitution declares that all laws and ordinances "of whatever kind" shall be countersigned by a Minister of State. But as a matter of fact, the members of both the Privy Council and the Cabinet, are appointed by the Emperor, and are legally responsible only to him. The signature of measures is therefore perfunctory. According to the written Constitution, the Emperor is therefore autocratic to the extreme. Japan is the only government of any importance in the world which allows such power to remain in the hands of the monarch.

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[2] Uyehara, *The Political Development of Japan*, (1910) 147; Article LVI of the Constitution says, "The Privy Council shall, in accordance with the provisions for the organization of the Privy Council, deliberate upon the important matters of State, when they have been consulted by the Emperor." See also McGovern, *Modern Japan*, 110.

II

Secondly, the Japanese Government is undemocratic because of the composition and weakness of the Diet. This body does not represent the people of Japan. Its Upper Chamber—the House of Peers—represents autocracy and wealth; its Lower Chamber—the House of Representatives—represents smaller property holders and land owners. Nevertheless the representative nature of this latter body has been gradually extended. Originally, only those were eligible to vote for members of the House of Representatives who paid an annual direct tax of fifteen yen and who were above the age of twenty-five—about 470,000 out of a population of 50,000,000. In 1900 this provision was changed so as to include those who paid a direct tax of ten yen.[3] This suffrage existed down to 1918. But it was still unrepresentative of the people. Few city dwellers paid the necessary tax. As a result there were only 1,500,000 voters out of a total population of 55,000,000.[4] As a concession to the democratic wave which swept over the country in 1918, the Forty-First Diet again revised the suffrage laws by lowering the tax qualification to three yen. This doubled the total number of voters, bringing it to 3,000,000.

But under a system of universal suffrage about 15,000,000 Japanese would be entitled to vote. At the present time Shinto and Buddhist priests, primary school teachers, and reservists, among whom are the most influential elements in the nation, are deprived of the ballot. It is clear, therefore, that the House of Representatives, elected by this limited electorate, is still undemocratic in composition.

Furthermore, the elections to the Diet are systematically

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[3] Uyehara, *The Political Development of Japan*, Chapter IV, "The Electoral System."

[4] See the table in the Japan *Year Book*, (1920-1921) 662.

accompanied by bribery and corruption. There is no Corrupt Practices Act in Japan—no limit to the amount of money which a candidate may spend. In the past, political parties have used thousands of yen to secure the election of their members to office. Candidates send agents throughout their constituencies to arrange for the purchase of votes.[5] It is needless to say that such a condition reduces still further the democratic character of the Lower House, not to mention the effect upon its morality.[6]

Moreover, the Japanese Diet is undemocractic because it is dominated by the House of Peers, a body which represents privilege alone. The Upper House is composed of (1) Princes of the Blood; (2) Peers (Princes and Marquises to sit by right when they reach the age of twenty-five); (3) Counts, Viscounts, and Barons who are to elect their representatives on the basis of one to five; (4) men of distinguished service, nominated by the Emperor; (5) representatives of the highest taxpayers elected from among themselves.[7]

This oligarchic character of the House of Peers would make little difference if it had no power. But, unlike the British House of Lords, now merely an advisory body because of the Act of 1911, and the German Reichsrath which cannot stand out against the will of the people,[8] the Japanese Upper House is actually more powerful than the House of Representatives.

Legally, both bodies have equal legislative power, with

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[5] Pooley, *Japan at the Cross Roads*, (1917) 154, 155. McLaren, *A Political History of Japan during the Meiji Era*, 366 ff.; also Uyehara, *op. cit.*, Chapter IV, "Electioneering."

[6] See p. 84.

[7] Japan *Year Book*, (1920-1921) 659, 660. In 1920 the House of Peers was composed of 15 Princes of the Blood, 12 Princes, 35 Marquises, 71 Viscounts, 20 Counts, 72 Barons, 124 Imperial Nominees, and only 46 "highest taxpayers," making a total of 395.

[8] *Cf.* Article LXXIV of the German Constitution and the Plebiscite Law of June, 1921.

the exception of finance. But this fact has actually led to the supremacy of the Peers and the consequent obstruction of democracy, as several examples will show. In 1900 the Peers refused to agree to an election measure, passed by the Lower House, which placed suffrage qualifications at five yen. They held out for ten yen instead, and the Lower House was forced to acquiesce. In 1901 the power of the Peers were again illustrated when, without considering the merits of the proposition, they rejected almost unanimously the taxation measures which the Ito Ministry had sent through the Lower House. A note from the Emperor led them to withdraw their opposition; but the Ito Ministry became so discredited with the House because it could not control the Peers without the Emperor's intervention, that it was forced to resign. The last exhibition of the power of the House of Peers was shown in the appointment of Prince Tokugawa, its President, as the nominal head of the Japanese Delegation to the Armament Conference at Washington. As this was the first participation of the Prince in active politics, his appointment was severely criticised by the Japanese press. But Prime Minister Hara was merely copying President Harding's example in appointing Senators Lodge and Underwood on the American Delegation: both wished to remove as far as possible the opposition of the legislative bodies to the programs which the Conference might approve.

On paper, the House of Peers is subordinated to the Lower House in one respect: Article LXV of the Constitution declares that "the budget shall be first laid before the House of Representatives." But even this power which exists in the Chamber of Deputies, the House of Commons, and the American House of Representatives, has become meaningless in Japan, because the House of Peers amends financial measures in any way it likes.[9] The Emperor him-

[9] As a matter of fact, this is also true of the U. S. Senate.

self was responsible for this usurpation. When a budget was submitted by the Government to the Lower House in 1892, it struck out two items, the appropriations for shipbuilding and the study of earthquakes. The Upper House promptly reinserted these two items and sent the revised budget back to the Lower House. To break the deadlock which followed, the matter was referred to the Emperor. If he had recognized the supremacy of the Lower House in this matter, a victory for democracy would have been won. But after consulting with the Privy Council, he issued the following reply:

> With regard to the right of consent to the budget vested in the House of Peers and Representatives respectively, neither House is superior or inferior to the other except in one particular: that, according to the 65th Article of the Constitution, the Lower House receives the budget from the Government before the Upper. Therefore the House which deliberates subsequently is in no respect bound by the decisions of the House which deliberates previously.[10]

Unlike the House of Representatives, the House of Peers cannot be dissolved. Consequently, it is more free than ever to assert its powers over a Ministry in sympathy with the Lower Chamber.[11] In a parliamentary government where the Ministry is responsible to the people through Parliament, a strong Upper House is out of place. It can prevent absolutely the workings of responsible government. When the Lower House votes a Ministry out of office, the Upper House can vote it in, or vice versa. Nothing but confusion and irresponsibility is the result. Consequently, Japan will never be able to develop a parliamentary form of government as long as the present strength of the Upper House exists.

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[10] McLaren, *op. cit.*, 214, 215.

[11] Iwasaki, *Working Forces in Japanese Politics*, (1921) Columbia University Studies, 47.

III

Not only is the Japanese House of Representatives unrepresentative of the people, but it is woefully weak in authority. This is true even of its control over finance. Theoretically, all matters relating to taxation, national loans, and the expenditures and revenues of the Government in general must receive the approval of the Diet.[12] But this is also largely a mythical power. Despite the general principle of financial control, the Diet cannot reject or reduce the expenditures of the Imperial House, or the "fixed" expenditures "based upon the supreme powers of the Emperor and set forth in this Constitution," or other expenditures arising from "the effect of law" or from the "legal obligations" of the Government.[13] These "fixed expenditures" include the salaries of police and of civil and military officers; departmental expenses; the cost of maintaining the Army and Navy; the interest on the national debt; and all expenditures arising out of treaties.[14] The Diet has no means whatever of controlling these items which are among the most important of the whole Government.

At juggling accounts, the Japanese budget is a masterpiece. Because of the terminology used by the budget, it is impossible for the Diet actually to know what the money is going for. Mr. Pooley charges that the budget is drawn up for the specific purpose of defying investigation.[15] In order to show an excess of revenue over expenditure, the Government often creates a fictitious reserve fund which may be made up of past loans or even of new loans or

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[12] Constitution, Chapter VI, "Finance."
[13] Articles LXVI and LXVII of the Constitution.
[14] McLaren, *op. cit.*, 197.
[15] *Japan at the Cross Roads*, 193, 194.

merely of book entries. In 1907 a surplus was shown in the budget of 254,682,858 yen; but 200,000,000 yen of this were drawn from the war loans which had been subscribed in Europe, plus 48,600,000 yen received from Russia on account of maintaining prisoners of war.

Finally, if the Diet is bold enough to reject the budget, the Government is empowered to carry out that of the preceding year; and if there is "urgent need for the adoption of measures for the maintenance of the public safety" the necessary financial measures may be carried out by imperial ordinance; while "in order to supply unavoidable deficits . . . and to meet requirements unprovided for in the same," a reserve fund may be provided for by the budget over which the Government presumably has complete control.[16] By virtue of these provisions, in 1893, the Emperor, contrary to the wishes of the Diet, carried out the Government's military program, even going to the extent of imposing a ten per cent tax on the salaries of the members of Parliament themselves![17]

Legally, the Diet must approve all legislation submitted by the Government before it becomes law, and it has the power of introducing legislation. But the Emperor may, "in consequence of an urgent necessity to maintain public safety or to avert public calamities," [18] issue imperial ordinances in place of law. He may also issue orders "for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects." [19] The Diet also has the right of interpellation[20] and of address to the Crown, but these are quite valueless unless it can enforce obedience

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16 Articles LXIX, LXX, LXXI.

17 McLaren, *op. cit.*, 221, 222.

18 Article VIII, which must be approved by the Diet at its next session.

19 Article IX.

20 On the limited value of the interpellation, see Hornbeck, *Contemporary Politics in the Far East*, (1916) 137, 141.

to its desires. The impotence of the Diet is further made certain by the fact that it meets only three months out of the year (although the Emperor may extend the session). Consequently, there is no time for debate, and the most important legislation, such as the budget, seldom receives more than a few hours discussion. The time of the session is further reduced by the custom of the Government to convene it just before the New Year holiday. After the organization is effected, an adjournment usually is taken. The law of the Houses also authorizes the Government to suspend the sittings of either House for fifteen days.[21] As a result of these and other measures, the annual sessions of the Diet rarely last longer than forty days. Little wonder that they attract slight popular attention.

Although legally the Diet cannot compel Ministers to resign, it can block every request for legislation, and so contribute to their downfall. In order to break these deadlocks, the Emperor has frequently dissolved the Lower House and held special elections in an effort to secure a Diet which would acquiesce in the wishes of the Government. At least ten such extra elections have been held since 1890.[22] But the Diet has never been able to take advantage of these elections, nor has it been able actually to enforce the principle of parliamentary responsibility, because there are no well-defined political parties in Japan. There are three or four organizations which call themselves parties: (1) The *Seiyukai* or "Liberals," which won an overwhelming majority in the elections of May, 1920. This party has been led by Prince Saionji, Takashi Hara, Messrs. Okuda, Okazaki, and Yamamoto, and Viscount Takahashi, its present president. (2) The *Kenseikai* or "Constitutional Unionists," now the minority party. Formed in 1916 out of the *Doshi-Kai,* it is led by Viscount

[21] McLaren, *op. cit.*, 357.
[22] See the Japan *Year Book*, (1920-1921) 662.

Kato and S. Shimada.[23] (3) The *Kokuminto,* or "Nationalists," first formed in 1882, an organization which seems to be losing influence daily.

But as actual political bodies, these parties do not function. They have no clear-cut programs. They desire office not to inaugurate reforms according to a certain school of political philosophy, but largely to enrich themselves and the interests they represent. The latest party scandal —in fact, the whole Hara administration was full of scandals—has been in connection with the misappropriation of funds of the South Manchurian Railway, by officers of that road placed in power by the Seiyukai.[24] According to one Japanese writer, "The Japanese political parties . . . are the organs of the rich. They are controlled absolutely by the industrial capitalists and the wealthy land owners."[25] The condition of political parties in Japan to-day is very similar to that of the corrupt oligarchic groups in England—the Whigs and Tories—before the Reform Bill of 1832. As a result, parties in Japan are continually dissolving because of the conflicting interests of their members.

In addition, these parties have seized upon intimidation to further their ends—thus making real democratic government more impossible than ever. They have vied with each other in subsidizing gangs of ruffians whose political program is marked by the word, *force.* The first band of ruffians to oppose the Government in power, composed of *soshi,* or "enterprising persons," was so successful in its

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[23] Y. Ozaki was a prominent member of the *Kenseikai* until his expulsion in February, 1921.

[24] "Our Special Correspondent in the Far East," reported to the London *Times* (November 9, 1921) that, although the Seiyukai party came to power to neutralize the influence of the bureaucrats, it had "now sold itself to the bureaucrats and militarists, and is regarded as having long ceased to represent progressive ideas."

[25] Iwasaki, *op. cit.,* 103.

intimidation of public officials that the Seiyukai Government in October, 1919, organized an opposition group called "The Association for the Development of National Characteristics or Essence"—the *Kokusui-kai*. The purpose in organizing this Black Hundred was to support the policies of the Hara Government at home, and to place bands of bullies in Korea, in order to cow revolutionists there into subjection.[26] The two political parties have bid against each other in securing the services of these "strong men," packing them into important meetings, such as the shareholders' meeting of the Japan Mail Steamship Company, in order to control its proceedings by force. This "National Essence Association," an Oriental Ku Klux Klan, has also shown its power by intervening in strikes, opposing universal suffrage, raiding the homes of members of the Diet, and assaulting speakers at or after public meetings. Obviously, parliamentary government is an impossibility as long as such bodies attempt to rule by intimidation, as long as political parties represent no ideal except that of filling their own pocketbooks, and as long as they have no power to enforce the popular will upon the Government.[27]

[26] "The Kokusui-kai," Japan *Weekly Chronicle*, September 8, 1921. The articles of this association declare that its members are "actuated by the sense of justice and the spirit of chivalry;" bound by "blood-signed rules of association;" and aim "at rallying people of the same mind round about the Imperial House and render loyal service in case of need." The members promise "immediately to gather at the appointed place on receipt of any extraordinary call in case of national or local emergency."

[27] The Japanese conception of parliamentary government was illustrated in the session of the Japanese Parliament of January 23, 1922. A member of the majority (Seiyukai) party assaulted a member of the Kenseikai party because of a speech which the former gentleman did not like. As a result the victim was incapacitated for three days. The Kenseikai party introduced a motion into the House of Representatives to have the case referred to the Disciplinary Committee; but the majority party whose member had committed the assault, voted the motion down. In fact, the Ministers of Education and the Home Minister came down from their Ministerial Seats to cast their votes in favor of the offender.

IV

Finally, the written Constitution of Japan is undemocratic because of the restraints placed upon the liberties of the subjects. According to the Constitution, Japanese subjects are guaranteed religious freedom; they "enjoy full liberty in regard to residence and change of abode;" they cannot be deprived of the right of being tried by judges; their houses cannot be entered and searched; neither the secrecy of their letters nor the rights of property can be violated; they enjoy liberty in regard to speech, writing, publication, public meetings, and associations. Yet these high-sounding guarantees are carefully restricted by the provision, "subject to the limitations imposed by law;"[28] all of which means that these rights are no rights at all because they can be abridged in any way and to any extent, merely by a law passed by the Diet or, in some circumstances, by an ordinance promulgated by the Emperor.

Instead of freedom of the press, of speech, and of assembly in Japan, to-day there is Article 17 of the Police Regulations, enacted in 1900, which imprisons those who "seduce or incite others with the object of causing a strike;" there is Article 23 of the Press Law which authorizes the Minister of Home Affairs to prohibit the sale and distribution of any newspaper when he considers that the articles in question are "calculated to disturb order or peace or are detrimental to public morals;" there is the rigorous prosecution of leaders who spread "dangerous thought;" there is the suppression of meetings at which socialism is preached; there is the crime of *lèse majesté*, for the violation of which (by saying that Japan was now ruled by brutes!) the leader of the Omoto-kyo sect is spending five years in jail.

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[28] See Chapter II. of the Constitution, "Rights and Duties of Subjects."

According to Japanese law every newspaper is compelled to deposit with the authorities a specified sum of money as security. Almost all the newspapers resort to dummy editors so as to avoid the fine or imprisonment which the courts, under the law of 1909, are authorized to impose on an article "judged prejudicial to the public order or social decency."[29] Whether it be articles which dare to contemplate the future terms of the Anglo-Japanese Alliance, the possible benefits of Bolshevism, or the independence of Korea, nothing escapes the purview of a jealous censor. Between 1913-1917 there were a total number of 6,161 cases of forbidden sale, suspension or warning.[30] Even under the supposedly liberal Hara Ministry the censorship was as flagrant as ever.

In sum, the written Japanese Constitution to-day is oligarchic. There is no such thing as parliamentary government, universal suffrage, freedom of speech, popular control over finances, or liberties of the subject. The unwritten Constitution will now be examined to show how it strengthens the forces of absolutism.

V

Although the Mikado of Japan is theoretically the supreme governing power, and although he is worshiped supposedly as a god, actually he has little more authority than King George of England.[31] But at the same time,

[29] *Year Book*, 315. It follows that the attacks of the Japanese press made on the United States and Great Britain, have been printed with the consent of the Government. See also Kwabe, *The Press and Politics in Japan*, (1921) 119, 120.

[30] Estimated from figures given in *Year Book*, 320.

[31] . . . "There is not a single instance on record of the Emperor Mutsuhito of Japan taking any state matter into his hands, independently of the Ministers of State." Uyehara, *Political Development of Japan*, 195. On this general subject, see Kawakami, *What Japan Thinks*, (1921) Chapter IV, by Ozaki, "Japan's Defective Constitutional Government."

as we have seen, the Japanese Parliament has few powers of its own. How can this strange inconsistency be explained? The answer may be found in the existence of bodies unknown to the Constitution, and yet possessed of great power, perhaps because they are unrestrained by written law.

Feudalism is not an institution indigenous solely to Europe. On the contrary, it has been the basis of Japanese society since the seventh century, if not before. Just as it reduced the power of the Capets in France by its complicated system of subinfeudation and local allegiances, so in Japan it reduced the prestige of the Emperor until he was little more than a Pope uninspired even with hopes of temporal power. The real Government was directed by a Shogunate, the successful leader of one of the many feudal clans whose lands formed the basis of the Empire. Up until the seventeenth century, it was possible for each one of these clans to dispossess the ruling Shogun and itself take over the Government. But with the ascendancy of the Tokugawa clan, its power became so firmly entrenched that the other clans individually had little chance of overturning it. Because of jealousy the western clans united to overthrow the Tokugawa rule in the Revolution of 1867. And, although the Emperor was restored to the divine place which he occupied in Shinto mythology, and although feudalism was destroyed in so far as the system of land tenure and local government was concerned, the actual control of affairs remained vested in the clans who drove out the Shogun usurpers. In one form or another, they have continued to control some branches of the Japanese Government down to the present day.

Naturally, since these clans had restored the Emperor to power, they were given the most important places in the new Government. Even before 1853 the Satsuma and Choshu clans had begun the manufacture of arms and the

practice of gunnery.[32] When the Department of War was organized, with its two offices of the Army and the Navy, these two clans logically assumed control. Satsuma took over the Navy, while Choshu undertook to manage the Army. About the same time, four of the clans came to an agreement whereby they would be equally represented in the Government; and it was also arranged that each should furnish a contingent of troops to form the nucleus of the Japanese Army.[33] In 1876 it was said that four-fifths of all the Government offices were occupied by clansmen.

Along with the clans, another extralegal body has existed, called the Genro or Elder Statesmen. This body has been composed of the venerated group of men who framed the Constitution of 1889 and guided the new Government through the stormy days which first beset its voyage. Esteemed for this great service by a people steeped in centuries of ancestor worship, the Genro have been able to dictate the policies of the Japanese Government. This has been made more possible by the fact that practically all of the Elder Statesmen are also clansmen.[34]

Thus the Genro decided whether Japan should form an alliance with England rather than with Russia in 1902; and that the war with Russia should be ended when it was in 1905. They have not limited their influence to foreign affairs, however. Allied with the clans, they have actually interfered in domestic politics. Because of their influence, the Japanese cabinets have, for the most part, been kept in oligarchic hands ever since the restoration of the Emperor to power. Only on two or three occasions have the political parties been able to win a ministry away from clan control. The first was when Count Okuma attempted

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[32] McLaren, *op. cit.*, 33.
[33] Brinkley, *op. cit.*, 681.
[34] Iwasaki, *op. cit.*, 31.

to form a party cabinet in January, 1898. It lasted only five months when factional strife divided his following; and the clans took advantage of the opportunity to restore the second Yamagata Cabinet to power.[35] Since that time, the parties, rather than attempting to form cabinets of their own, have competed against each other in selling their support to the clans, either for money or for office. In September, 1918, the Hara Ministry came into office at the head of a supposedly party government, that of the Seiyukai. But it owed its position largely to the support of Satsuma, whom Hara rewarded by appointing Admiral Saito as Governor of Korea.[36] Moreover, the continual conferences of Hara with the Elder Statesmen, particularly Prince Yamagata, and the continued support of militarism on the Asiatic mainland, showed that the clans and the Genro were still powerful, if not supreme. The clearest example of Genro control was given in the appointment of Viscount Takahashi as the successor to Prime Minister Hara who was assassinated on November 4, 1921. Under a real party government, where no change in the make-up of the House of Representatives had taken place, a recognized leader of the Seiyukai party would have immediately assumed power. The majority party would have conveyed their wishes as to the next Premier to the Emperor, and the appointment would then have been automatically made.[37]

But no such procedure was followed. It was not the Seiyukai party but the Elder Statesmen who chose the new Prime Minister. They first selected Prince Saionji for the position, and, at his persistent refusal to accept office, they apparently gave him carte blanche to name the new head of the Government. As soon as the Prince

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[35] Kwabe, *op. cit.*, 127.
[36] Iwasaki, *op. cit.*, 26.
[37] See an editorial, "Choosing a Premier," Japan *Advertiser*, November 10, 1921.

had selected Takahashi, the papers immediately announced the appointment, even before it had been confirmed by the Emperor![38] It was only after his selection that the Seiyukai party elected Takahashi as its President and recognized leader. Just before the selection was made, the *Yorodzu* declared that the function of the press had been reduced merely to guessing whom the Elder Statesmen would select as Prime Minister. "The Diet and public opinion have nothing to do with the matter. One is tempted to doubt whether the nation really has a right to participate in the Government."

As to the general effect of Genro rule on Japanese politics, Dr. S. Washio says that it has "caused younger men to measure their usefulness not by their own convictions or by what the public wants but chiefly by what their patrons expect. The abilities of those who know best how to insinuate themselves into paternal favor are not always the right kind. Through their sinister underground maneuvers, both officialdom and political organizations outside the Government have tended to personal relations and intrigues of personal interests. This is the chief reason, I believe, why the Japanese Government has progressed so little in the past twenty or thirty years and been able to make so little reconstructive work in this busy transition period."[39]

On February 1, 1922, Prince Yamagata, the most distinguished and influential of the Elder Statesmen, died. His death probably marks the end of their power. Only two Genro now remain, the Marquis Matsukata and Prince Saionji, both of whom are old men. It is entirely possible that the Emperor may appoint others to take the places of

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[38] See "The New Premier," Japan *Weekly Chronicle*, November 24, 1921.

[39] S. Washio, "What is the Genro?" Japan *Advertiser*, November 10, 1921.

those who have gone. But mere appointees will never acquire that "accumulated prestige" which has given the Elder Statesmen power.[40]

Moreover, the influence of the clans is apparently on the decline. The old leaders are passing away, and there are no outstanding personalities within the clans to replace them. The death of Prince Yamagata deprived Choshu of its last great leader. Satsuma, which has always been bereft of many conspicuous members, is now represented only by Mr. Tokonami, Minister of Home Affairs, and Viscount Makino, who has retired from active politics, having accepted the position of Minister of the Imperial Household.

Furthermore, the intense rivalry of Choshu and Satsuma is another factor which is weakening clan influence. By the accident of birth, Choshu has produced more prominent statesmen than Satsuma. This has given it a natural advantage which the policy of military expansion in Asia has increased. It is said that the Choshu clan, linked as it is with the Army, was responsible for Japanese intervention in Siberia during the last war.[42] However, the death of the former Prime Minister, Count Terauchi, was a severe blow to Choshu supremacy. The demands of the Navy now attracted more of the public attention; and with the voting of the "Eight-eight" program,[43] Satsuma and the naval authorities gained in power. Satsuma's prestige reached its climax when Admiral Kato, Minister of Marine, was appointed virtual head of the Japanese delegation to the Washington Conference. The rivalry between these two clans has not always been good-natured. In the early months of 1921 a violent quarrel broke out between them over a certain "serious affair" which the

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[40] Dr. Washio, cited.
[41] Iwasaki, *op. cit.*, 82.
[42] Saito Man, "Battle of Japan's Old Clans is Now Centered in Siberia," Japan *Advertiser*, July 18, 1918.
[43] See Chapter V.

press was sternly inhibited from mentioning. The controversy, which soon leaked out, involved the betrothal of the Crown Prince Hirohito, who has since become Regent, to the Princess Naga, a member of the Satsuma clan. Prince Yamagata and the Marquis Matsukata, the two Elder Statesmen of the Choshu clan, objected strenuously to this engagement, nominally on the ground that some ancestor of the princess had been cross-eyed and that it would never do to admit impure blood to the imperial line! Actually, however, they did not wish to see Satsuma gain such an advantage over Choshu. Premier Hara hit upon the journey of the Crown Prince abroad as one means[44] of increasing the latter's popularity so that the Choshu clan would have to acquiesce. Its members were so outraged that Yamagata and Matsukata both tendered their resignations in February, 1921, to withdraw them only after the entreaties of the Emperor and promises which are unknown. At any rate, the people rallied to the Crown Prince, while the rivalry of the clans over the projected marriage actually resulted in the loss of much of the esteem in which they had formerly been held by many elements of the Japanese public.

VI

Japanese liberals earnestly emphasize these facts in regard to the diminishing influence of the Genro and clans as conclusive evidence that the Government is daily becoming more subject to popular control.[45] But however sympathetic one may be toward Japanese liberalism, it is impossible to contemplate its success as long as the terms of the written Constitution continue to support absolutism and parliamentary irresponsibility. Moreover, the mere

[44] This, however, was not the only purpose of the journey, see p. 122.

[45] The actual status of Japanese liberalism is discussed in Chapter X.

disappearance of the clans and the Genro means nothing as far as the growth of liberalism is concerned. Their places have already been filled by a military machine, which hitherto has existed alongside of and coöperated with the clans. This is the officialdom of the Japanese Army and Navy. In 1894 the control of this officialdom over the Japanese Government was established when the Privy Council, frightened lest the Diet might bring about the appointment of civilian Ministers of the Army and Navy, passed an ordinance which declared that these two Cabinet positions should never be held by any but active officers of the rank at least of Lieutenant-General or Vice-Admiral. Even when this ordinance was changed in 1913, it was for the purpose, not of admitting civilians, but of permitting retired officers to assume these positions.[46]

But this was not enough. In 1907 Prince Yamagata secured the adoption of an ordinance which declared that all matters relating to military or naval defense came under the prerogative of the Emperor. This meant that the Cabinet could not participate in the discussion of matters which might even be interpreted to include the entire foreign policy of Japan.[47] The movements of the Japanese Army and Navy are consequently in the hands of the Emperor, subject to the advice of the military alone. Since 1908 it has been a fixed rule that no civil officer of any kind can even be present when the Ministers of War and Marine interview the Emperor.[48]

There are four bodies which now give the Emperor military advice. They are the Boards of Marshals and Admirals; the Military Council; the Military General Staff; and

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[46] McLaren, *op. cit.*, 175.

[47] Yoshino, "Japanese Liberalism: Its Failure and Progress," *Manchester Guardian* (Japanese number), June 9, 1921.

[48] Weale, "Forces Behind Japanese Imperialism," *Current History*, January, 1920.

the Naval General Staff. These bodies are headed by the Ministers of War and Marine. Their very multiplicity insures freedom from parliamentary control. In an effort to coördinate the policy of the Cabinet and that of the General Staffs, the Okuma Cabinet, in power in 1915, organized a Defense Council composed of the Premier and the Ministers of Foreign Affairs, Finance, War and Marine, together with the chiefs of the Military and Naval General Staff offices. But the Army and Navy refused absolutely to be bound by the decisions of this Defense Council. When their desires were not met, they would appeal over its head to the Emperor. The Defense Council was powerless to enforce its will.[49]

Parliament is likewise helpless. The Ministers of War and Marine belong to no party but the military party; they are responsible to the Emperor alone. Parliament cannot even control them by means of supply. If it refuses to vote a new budget, last year's appropriations are automatically continued. As we have seen, most military expenditures are "fixed," and Parliament cannot reject or even reduce them. The position of the Ministers of War and Marine is even so strong that they can drive a whole Cabinet out of power. If they resign because of disapproval of the policies of the Prime Minister, and if other officers controlled by the *ésprit des corps* of the military party refuse to take their places, the whole Cabinet must fall. It is no exaggeration to say, therefore, that the military hierarchy, whether composed of clansmen or non-clansmen, can thwart the will of the civilian members of the Cabinet and of Parliament itself whenever it pleases.[50]

Baron Kato's appointment as a member of the Japanese Delegation to the Armament Conference merely confirmed

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[49] See a series of articles in the *Yomiuri*, as in the Japan *Weekly Chronicle*, October 20, 1921.

[50] See also Iwasaki, *op. cit.*, Chapter VI, "The Militarists."

the opinion that the naval and military hierarchy constituted the real authority in Japan. Neither the Prime Minister, Mr. Hara, nor the Minister of Foreign Affairs, Mr. Uchida, was placed on the Delegation.[51] Nominally, Prince Tokugawa was its head. But actually, as every press dispatch from the Conference was to reveal, Kato the Silent, the Japanese Minister of Marine, was the master hand which guided the Japanese Delegation.

Kato's absence from Japan left a temporary vacancy in the Marine Office. In an apparent effort to impose civilian control on the Navy, Prime Minister Hara secured a ruling from the Legislative Bureau to the effect that a civilian minister might assume the position of Minister of Marine *ad interim*. He was rewarded by being struck down by a half-crazed assassin in the Imperial Station at Tokyo.[52]

This duality of power, whereby the Army and Navy virtually control the foreign policy of Japan, although a civilian Minister of Foreign Affairs is represented to do so, is of more than academic interest. It concerns vitally the welfare of Japan and the peace of the world, as the following incidents will prove.

When the joint occupation of Siberia was decided upon in 1917, the Japanese civil authorities promised to send only 7,500 troops, but instead, the military authorities sent over 70,000.[53] Periodically since the occupation began, the Japanese Government gave off the impression that its troops would be withdrawn as soon as the objects of intervention had been accomplished. Now that the war had come to an end and the Czecho-Slovak troops repatri-

[51] It does no good to point out that if Hara had been a member of the Delegation, he would doubtless be alive to-day.

[52] I do not mean to imply that the military hierarchy was directly responsible for Hara's death, although this is not beyond the realm of possibility. Nevertheless, the assassin was apparently prompted to the act by a fanatical belief in theocratic militarism, which he thought Hara opposed.

[53] See p. 26.

ated, the civilian members of the Hara Ministry were apparently persuaded that because of the pressure of world opinion and the great financial expense involved, the troops should be withdrawn. But the military party would not have it so. The evacuation of Siberia would bring to an end their most cherished dream, that of a Japanese hegemony over Asia. Despite repeated pronouncements of Japanese Ministers, General Tachibana, the commander of the Siberian troops, saw fit to give an interview to the Tokyo *Asahi* in which he declared that although the opinion was growing that the Japanese should evacuate Siberia, the policy was unwise and imprudent. Very naïvely he stated, "It is strange that the false impression should now prevail, among some Japanese that the Empire's diplomacy has been transferred to the military from the Foreign Office authorities." Yet in the same breath he proves what he denies by saying, "If the military men ever played the part of diplomats in Siberia, certainly that was only because the Foreign Office failed to take the necessary steps for the maintenance of the national prestige as well as of interest." According to this astounding admission, the War Office interferes with Japanese diplomacy only when the latter is bold enough to run counter to the military party's designs!

After the Colonial Conference held in Tokyo in May, 1921, to discuss the foreign and colonial policies of the Empire, the American press heralded out the welcome news that Japan was now to evacuate Siberia and to return Shantung to China. As a matter of fact, this Conference did decide to evacuate Siberia, but upon severe conditions discussed elsewhere.[54] This angered the military men so that they returned to Siberia resolved that these conditions should never be carried out. Within ten days after the announcement which the well-wishers of Japan had expec-

[54] See p. 32.

tantly awaited, a revolt broke out in Vladivostok and Nikolsk which drove the local governments, nominally independent of Chita, out of power. The Japanese Army had made these revolts possible by disarming the Government forces under the pretense of maintaining a strict neutrality; but at the same time they had permitted the Kappelite remnants secretly to store up ammunition. Just before the *coup* occurred the Vladivostok authorities attempted to search a house occupied by Japanese under the suspicion that it harbored insurgents and contraband. They were summarily ordered out by a Japanese colonel, after they had first discovered a couple of dozen White Guards and a number of hand grenades in the outer rooms. The next day, after the Japanese had had time to clear up the premises, notice was sent to the Russians that they might search the house!

This constant intriguing of the Japanese military with the Russian *émigrés* was not so much inspired by a fear of Bolshevism, as by the desire to keep Siberia seething with disorder. If the Colonial Conference had not determined to evacuate Siberia as soon as order was assured, the Vladivostok Revolution would quite probably never have occurred. The General Staff will not be balked.

In the fall of 1920, the military party, under the pretense of punishing Korean malcontents for attacking a Japanese consulate in Manchurian territory, launched a notorious expedition against the village of Chientao. As noted elsewhere, Colonel Misumachi, in a communication to British missionaries, justified this defilement of Chinese sovereignty by publicly charging them with being the cause of the tragedy since they had given assistance to the Korean independence movement.[55] This brazen statement was repudiated by the Japanese Minister of Foreign Affairs in December, 1920, who declared that the Foreign

[55] Japan *Advertiser*, February 3, 1921.

Office had no knowledge of the communication before it was issued and later by the War Office.[56] The *Jiji Shimpo's* declaration that "a more clumsy and indiscreet document has never been issued by the Japanese Government" and that the case "reveals the evils of the double diplomacy of this country," was none too severe. The Chientao incident clearly illustrated the disaster which may result from an irresponsible military bureaucracy. As long as the actual administration of Japan's foreign policy remains in the hands of parties uncontrolled by those who should frame that policy, nothing but international ill will can result, regardless of the promises made at international gatherings —whether they be Conferences on Disarmament or meetings of the League of Nations.[57]

VII

If the interests of the military party were exclusively military, and if they were carried out at the expense of every other element in the nation, its fall would probably be imminent because of the great strength of the financial and industrial leaders of Japan, more firmly than ever entrenched because of the war. But many of these leaders owe their wealth directly to the military hierarchy.

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[56] See also p. 19.

[57] The reason why the Japanese people have supported the Japanese military machine is discussed in the last chapter. One of the most frank admissions by responsible Japanese of the militaristic control of the Japanese Government was made in a manifesto in regard to universal suffrage, adhered to by the eight leading newspapers of Tokyo and Osaka, which declared: "There is a military clique in the army who monopolize it and place themselves between the Emperor and the nation. And they are responsible neither to the Diet nor to the Cabinet. The system of parliamentary and responsible government is thus being trampled under foot by them. They cut the country in two and hold one half in their hands. Hence a double government at home and a dual diplomacy abroad. The Restoration in the present era of Taisho must consist in pulling down this military clique and restoring the army to his Majesty the Emperor and the nation." Japan *Weekly Chronicle*, March 2, 1922.

Out of the war with China came Fujita and Okura, who profited largely by selling munitions. Out of the Russo-Japanese War, Baron Furukawa, the copper king, emerged with untold millions. The greatest and perhaps the most unhealthy of these war growths is the Suzuki Company, which made colossal sums by cornering the sugar crop of Formosa during the Great War. These men, together with the Mitsuis and the Iwasakis, control the finances and the industry of the nation, and while they differ as to details at times, they generally have a very smooth-working agreement with the militarist group.[58]

Moreover, many of these leaders are connected with the military hierarchy by marriage. Thus the head of the great Mitsubishi house is related by marriage to Count Okuma and to Viscount Kato, the leader of the Kenseikai party.[59] As a result of this community of interests, practically all the great commercial enterprises in Japan are allied financially with the Government. The Government itself owns monopolies in the manufacture of tobacco, salt and camphor. And the expansion of the military machine paves the way for the sale of its products. The Government directs the Bank of Japan, the Yokohama Specie Bank, the Bank of Formosa and of Korea, as well as purely domestic institutions. By such agencies it is possible to extend special terms to Japanese merchants abroad. The United States Consular Reports have stated that the Yokohama Specie Bank has loaned money to Japanese at 7 per cent, to foreigners at 8 per cent, and to Chinese at 10 per cent.[60] Another testifies, "The work of Japanese bankers in China is entirely directed by the Government, even if their loans have an ostensibly economic character."[61] The

[58] Bonsal, "Japan, England and World Peace," *Current History*, December, 1921. Also McLaren, *op. cit.*, 368 ff.

[59] Powell, "Are We Giving Japan a Square Deal?" *Atlantic Monthly*, November, 1921. Also Pooley, *Japan at the Cross Roads*, 119, 120.

[60] Hornbeck, *Contemporary Politics in the Far East*, 267.

[61] Pinon, "Une Phase Nouvelle de la Lutte Pour La Pacifique," *Revue des Deux Mondes*, November, 1921.

Government likewise subsidizes the great shipping companies, the *Nippon Yusen Kaisha*, the *Osaka Shosen Kaisha*, which controls nearly the whole coasting trade, and the *Toyo Kisen Kaisha*, engaged in the Pacific carrying trade.[62] In fact, the Government is apparently as closely associated with industry of every kind in Japan as it was in Imperial Germany and nearly as much as it is in Soviet Russia.[63]

It is this combination of big business and the military party which has given to Japan one of the most powerful political machines the world has ever seen, and which explains, in part, the past progress of Japanese imperialism in Asia. The Far Eastern situation will never be solved as long as this machine remains in power. The military party will never voluntarily "reform." Militarism is its very life blood. Machiavelli in his *Discourses* was the first to point out that republics were less likely to "break their faith" than princes. And Woodrow Wilson, in his enduring message to the American Congress of April 2, 1917, declared:

> A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic Government could be trusted to keep faith within it or observe its covenants. It must be a league of honor, a partnership of opinion. Intrigue could eat its vitals away; the plottings of inner circles who could plan what they would and render account to no one would be a corruption seated at its very heart. Only free peoples can hold their purpose and their honor steady to a common end and prefer the interests of mankind to any narrow interest of their own.[64]

The autocratic control of the Japanese Government was

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[62] For the Shipbuilding Encouragement Law, see Pooley, *Japan at the Cross Roads*, 271.

[63] See McGovern, *Modern Japan*, Chapter XI, "Imperial Socialism." Also Iwasaki, *op. cit.*, Chapter VIII, "The Capitalists." In regard to the actual profits of economic imperialism, see Chapter X.

[64] Quoted, Dickinson, *The Equality of States in International Law*, (1921) 192, 193.

or, ordinarily overlooked by the general public, ch the Washington Conference had to deal. It is r which has accounted for Japanese imperialism. nd factor—the Anglo-Japanese Alliance—will now sed.

CHAPTER IV

THE ANGLO-JAPANESE ALLIANCE

If Japanese imperialism has corrupted the nations of Asia; if it has imperiled the commercial interests of outside powers; if, in fact, it has menaced the peace of the world as did German imperialism before the European War; why is it that no serious obstacle has yet been placed in the path of the Japanese military machine? The question has many answers. China has been too enfeebled, and Europe and America have been too indifferent. Few nations go to war for the sake of a generous impulse. Commercial rivalries in the Orient so far have not been acute enough to provoke hostilities and the militarism of Japan so far has not directly threatened the existence of any Western power.[1]

But with all due regard for these considerations, there has been one outstanding instrument which for twenty years not only protected the aggressions of the Japanese military machine from the interference of outside powers, but which morally encouraged them. This instrument is the Anglo-Japanese Alliance. To prove this statement an historical analysis of this Agreement is necessary.

I

An alliance has never been negotiated for the advancement of science, for the encouragement of thought, or for mutual blandishment. But it has always been framed with a view to war. By its very nature an alliance is aimed at some outside power or group of powers who threaten or

[1] Whether war would permanently solve the Far Eastern Question is discussed in Chapter IX.

may threaten the "interests" of the parties who have framed it. The Anglo-Japanese Alliance is no exception to this rule. Originally negotiated in 1902, it sprang into existence to oppose the designs of two imperialisms—Russia and Germany. The advances of the Russian Empire into Asia begin with the reckless expeditions of the Cossack freebooter, Yermak, in the sixteenth century.[2] By 1860, Russia had profited from his example to the extent of obtaining a foothold in Siberia as far as the port of Vladivostok and the banks of the Amur. She was now casting greedy eyes on Manchuria and Korea.[3] After the Chino-Japanese War of 1895, Russia intervened to force Japan to return to China the Liaotung Peninsula, wrested from her as a spoil of war. By this act Russia forestalled the imperialism of Japan on the continent, but for the sinister purpose of leaving China to her own tender mercies. France had joined in this intervention because of her alliance with Russia and in order that Paris bankers might float a profitable loan to China to pay the indemnity now owed to Japan. Germany also supported these two powers in their demands on Japan because of the promise of a naval base in the Orient[4] and the possibility of turning Russia's interests away from Europe where they conflicted with the designs of the Central Powers. At this time also a strong pro-German and Asiatic party, led by Baron Rosen, existed at Petrograd, which believed fervently that the great autocrat of Russia was divinely appointed to become the benevolent master of Asia. With such a purpose in view, this party advocated that Russia relinquish all her claims in the Balkans to Germany, in return for which the latter power should support Russian ambitions in the Far East.[5] If

[2] Cresson, *The Cossacks: Their History and Country*, (1919) Chapter III.
[3] Rose, *The Development of European Nations*, (1914) 302 ff.
[4] *Memoirs of Count Witte*, (1921) 101.
[5] Alexinsky, *La Russie et l'Europe*, (1917) 98, 99.

this compromise had been successful, Pan-Germanism and Pan-Slavism would have appropriated to themselves about three-quarters of the world.

When this party became supreme at the Kremlin, Russian armies and merchants advanced toward China uncontrolled. In 1896, a secret treaty was negotiated at Petrograd in which Russia and China each agreed to come to the aid of the other in case of an attack by Japan.[6] This treaty was followed by the extension of the Siberian Railroad through northern Manchuria, the establishment of the Russo-Chinese bank, and the grant of numerous concessions—all of which would soon have made Russia supreme economically and politically throughout China. Consequently, the political independence of Japan and the great commercial interests of England in the Orient were menaced. Nevertheless, there appeared to be few obstacles in Russia's way. She believed herself to be confronted only by a Japan enervated by Oriental effeminacy, and by an England weakened by provincial indifference and European preoccupations. But Russia reckoned without her hosts.

The military power of Japan had been strikingly demonstrated in the war with China, and the extreme nationalism of the Japanese people had already manifested itself.[7] A military party, led by Prince Katsura, demanded war with Russia to avenge the intervention of 1895 and also to establish Japan as a Continental power. As a result of their agitation, the Japanese Diet voted credits in 1895 and 1896 which increased the Japanese army to 500,000 in time of war and which was to increase the fleet from thirty-five to sixty-seven vessels.[8] At the same time, there were more peaceful elements in Japan and Russia, who believed that

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[6] Witte, *op. cit.*, 86.
[7] See p. 8.
[8] Debidour, *Histoire Diplomatique de l'Europe*, (1916) i, 211.

the disputes between the two countries could be peacefully settled. In Japan, Count Ito and Ozaki favored an understanding with Russia.[9] In Russia, Count Witte, the Minister of Finance, believed that "Russia's best interests demanded that . . . China remain unchanged and that no power be allowed to increase its territorial possessions at China's expense."[10] But the conciliatory efforts of these gentlemen were to fail, partly because of the attitude of England.

Hitherto, Great Britain had pursued the diplomatic policy of "splendid isolation"—of no alliances with any power. But it was a policy which was serving her ill. Russia threatened her position in India and Afghanistan, as General Skobeloff's "Plan for the Invasion of India" had already made plain. Even France was embittered by the continued occupation of Egypt by England and by colonial rivalries in Africa. However, the greatest source of danger came from Germany, who now had the audacity to threaten the British supremacy of the seas. In 1898 the German Navy League was formed. As a result of its campaign, Germany passed the Naval Bill of 1900 which deliberately set out to overcome the supremacy of the British fleet which at that time consisted of fifty-four battleships against Germany's nine.[11] Aroused by this challenge, England responded with the Two Power Standard —a navy equal to that of any two other powers, and also by concentrating her naval strength, hitherto scattered throughout the world, in the North Sea.

But at the same time she could not leave her commercial interests in China undefended. Britishers controlled the vast mineral wealth of Chih-li and Jehol. Britain's profit from Chinese trade in 1901 was between 600,000 and

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[9] McLaren, *A Political History of Japan*, 290.
[10] Witte, *op. cit.*, 83.
[11] Schmitt, *England and Germany*, (1916) 1740-1914, 176.

700,000 pounds.[12] Sixty per cent of all shipping which went to China was British.[13] And Russia actually threatened these interests. Despite an agreement made in 1896 by which Russia agreed to confine her concessions north of the Great Wall, the latter power nevertheless backed dummy Belgian companies in seeking concessions in the British sphere of influence.[14] Russian armies were in Manchuria and Russian battleships were off Vladivostok (eighteen being in the Orient in 1904), waiting to extend Russian interests as soon as an opportunity came.

England, therefore, was faced with the German menace at home and the Russian menace abroad. She was not strong enough to meet both single-handed. She could not protect herself from Russia if she withdrew her Far Eastern Squadron to the North Sea. But she was not safe from Germany with her fleet scattered around the world. Consequently, an alliance with Japan, who would patrol the waters of the Pacific and check the designs of Russia, was a solution of both problems.

An alliance would be even of greater profit to Japan. The military party wished to declare war on Russia, but it dared not do so single-handed because of the probability of the intervention of France, if not of Germany, in behalf of Russia. Such an alliance would also be valuable from the diplomatic standpoint. Japan was an Oriental nation which had just opened its gates to the Western world. Sensitive at the treatment accorded to the Asiatics by Europe, Japan now sought recognition as a member of the Family of Nations. An alliance with an European power would serve admirably as a *billet d'entrée*. Because of

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[12] Bushby, "The Agreement between Great Britain and Japan," March, 1902, *Nineteenth Century*, LI, 369.

[13] See Lord Cranborne, Under Secretary of State for Foreign Affairs, in the House of Commons, 102, February 13, 1902, *Parliamentary Debates*, (4th series) 1284.

[14] Overlach, *Foreign Financial Control in China*, (1919) 31.

these two reasons the Japanese Foreign Office worked almost feverishly to bring about an alliance with England. In April, 1901, Count Hayashi, the Japanese Ambassador at London, was ordered to sound out the British Government as to the possibilities of such an alliance.[15] The suggestion was immediately considered by Lord Lansdowne, the English Foreign Minister. Quick to adopt the Machiavellian methods of European chancellories, the Japanese Government also ordered the unsuspecting Ito (himself desirous of reaching an understanding with Russia), to Petrograd to arrange an agreement with that power.[16] Rumors as to the purpose of the Count's journey, supposedly kept secret, were intentionally carried to Lansdowne, who warned Hayashi that any such alliance would contradict every purpose of an Anglo-Japanese agreement, and that its negotiation would be a shameful act of betrayal on the part of Japan. Prince Katsura, the Japanese Minister-President, undoubtedly had no intention of negotiating an alliance with Russia. But he knew, nevertheless, that it would arouse the suspicions of England. For that very reason it would hasten her decision to come to terms with Japan, out of fear of a Russo-Japanese understanding which would be doubly disastrous to England's international position.

Whatever the reason, England finally signed the Anglo-Japanese Alliance, on January 30, 1902. Article I of this Alliance insisted that the parties were "entirely uninfluenced by any aggressive tendencies in either country."[17]

[15] *Secret Memoirs of Count Hayashi*, (1915), edited by A. M. Pooley, 121.

[16] Count Hayashi (*Memoirs*, 209, 210) was even nonplussed at Ito's activities.

[17] In a letter to the British Minister at Tokyo, Lansdowne said: "His Majesty's Government have been largely influenced in their decision to enter into this important contract by the conviction that it contains no provisions which can be regarded as an indication of aggressive or self-seeking tendencies in the regions to which it applies." See *Parliamentary Papers*, (Cd. 1911), Japan, No. 1 (1902).

But at the same time they possessed "special interests"—England in China, and Japan, not only in China but also in Korea, where she "is interested in a peculiar degree politically, as well as commercially and industrially." Each party may take such measures as may be "indispensable" to safeguard its "special interests" when "threatened either by the aggressive action of any other Power, or by disturbances arising in China or Korea, and necessitating the intervention of either of the High Contracting Parties." In case war should break out over the defense of these interests, the ally not involved promised to remain strictly neutral and to "use its efforts to prevent other Powers from joining in hostilities against its Ally." However, in case a third party should enter the war against the ally already engaged, the second ally agreed to come to its defense. The Alliance was to last five years.[18]

The negotiation of the Anglo-Japanese Alliance had not been prompted by altruism. But, a specimen of the old diplomacy, it aimed to bolster up the fragile position of each party in its relation to the remainder of the world.

As such the Alliance had a profound effect upon the diplomatic situation. It was the first alliance ever negotiated between a European and an Asiatic power. It marked the entrance of Japan into the Society of Nations. It ended England's "splendid isolation"[19] and strengthened her position against Russia and Germany. The battleships hitherto maintained in the Pacific were now withdrawn to the North Sea.[20] It made possible the victory of

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[18] The Alliance was first printed in British *Parliamentary Papers*, (Cd. 1911), Japan, No. 1 (1902). The three Alliances may be found also in MacMurray, *Treaties and Agreements with and concerning China*, 1894-1919, i, 324, 516, 900.

[19] For the relation of this Alliance to the European Alliances, see Gérard, "L'Evolution de l'Asie Orientale et l'Alliance Japonaise," *Revue des Deux Mondes*, xxxiii, 358, May 15, 1919.

[20] See remarks of Mr. Ormsby-Gore in the House of Commons, April 10, 1911, 124, *H. of C. Debates* (5th series), 969, 970.

Japan over Russia.[21] As we shall see, it protected the activities of Japanese militarism from 1902 down to the present day. Moreover, it gave an initial impetus to the construction of a large navy by Japan. At the time the Alliance was ratified, it was the general conviction "that the Alliance with England, so far from justifying any relaxation of Japan's efforts, imposed upon her the responsibility of more strenuous exertions than ever, both on sea and on shore, since if she hoped for the continuance of a union so essential to the preservation of peace in the East, she must qualify herself to be always counted a valuable

[21] The Marquis of Lansdowne was careful not to admit that the fear of Germany or of Russia was the controlling reason for entering the Alliance. See his speech to the House of Lords, February 13, 1902, 102, *Parliamentary Debates*, (4th series) 1176. In fact, this reason was kept from the public, with a remarkable degree of success. The London *Times*, editorial, February 12, 1902, declared that the Alliance was prompted largely by commercial reasons; it spoke of "the great harvest which remains to be reaped when China throws her immense natural resources freely open to development." It was the commercial reason for the Alliance which was emphasized in the debate in the House of Commons. See *Parliamentary Debates, ibid.*, 1273-1313. However, there were a few sources of opinion who realized the real import of the Alliance. The Earl of Rosebery declared (*ibid.*, 1179), to the House of Lords that the treaty "will be felt in every part of Europe and the civilized world." In the House of Commons, Mr. Norman said (*ibid.*, 1278), "It is quite useless to deny that this Treaty is aimed at Russia." The *Kolnische Volkszeitung* said, "It will now hardly be possible for Germany to live on terms of equally good friendship with England and Russia," and the New York *Evening Post* declared, "It cannot be denied that the publication of the treaty is tantamount to serving notice on Russia that what Baron de Staal at the Hague Conference called her *espérances ultérieures* in the Orient must for a long time to come be held in abeyance." (See the foreign correspondence of the London *Times*, for February 13, 15, 17, 1902). Sir William Harcourt declared in the Commons (*ibid.*, 1300, 1301), "And if you are going into a war such as you are contemplating, when attacked by two Powers—everybody knows whom you mean, it is no use endeavoring to conceal it—that war will not be waged in China, Korea, or the Gulf of Pe-chi-li; it will be waged in Central Asia. It will be waged by a Power which has the capacity of pouring unlimited forces into Persia and into Afghanistan, upon your Indian frontier. In this Treaty you are staking upon the dice the peace and future of your Indian Empire. Your fleet will be engaged not only in the China seas, but in the Mediterranean and in the Baltic."

ally. . . . Japan, it was affirmed, must have a navy equal to the combined Eastern squadrons of any two European powers—England excepted, of course—and obviously the French and Russian squadrons, being the strongest after the British, were the ones to be considered in that contest." Consequently, the Japanese Government estimated that it was necessary to add 120,000 tons to her fleet during the next six years.[22]

After the Alliance was signed, naval experts worked out the disposition of the navies of the two powers in the event of war, prepared a joint system of maneuvering, arranged for the coördination of the two admiralty administrations, and prepared the drafting of secret orders. These plans were revised from year to year.[23] Thus urged on to military expansion, and thus protected against the possible intervention of France and Germany in the Far East. Japan declared war on Russia in 1904. The Alliance served its purpose immediately. England secured the neutrality of France by signing the *Entente Cordiale*, which also settled their disputes in Africa. There was little danger that Germany would actually join Russia; although the kaiser did urge her on, in the hope that she would be crushed by Japan, that France would be left friendless, and that Germany would consequently become supreme in Europe. But Germany's encouragement was limited to selling Russia a few merchant cruisers and munitions.[24] The Alliance thus succeeded in localizing the war;[25] it also secured financial assistance for Japan without which she would have probably been defeated;—consequently Japanese bonds found a ready market with London bankers.[26]

[22] London *Times* correspondent in Tokyo, October 10, 1902, quoted in Bywater, *Sea Power in the Pacific*, (1921) 141, 142.

[23] Ballard, *The Influence of the Sea on the Political History of Japan*, (1921) 184.

[24] Dawson, *The German Empire*, (1919) ii, 408.

[25] See the remarks of Sir Edgar Vincent, August 3, 1905, 151 *H. of C. Debates*, (4th series) 112.

[26] Overlach, *op. cit.*, 186.

II

As a result of this war, Japan became dominant in Korea. But inasmuch as the Alliance of 1902 had recognized the independence of Korea, an amendment became necessary in order that Japan's new position should not appear too inconsistent with her pledged word. Consequently, three weeks before (August 12) the signature of the Treaty of Portsmouth on September 5, 1905, Japan and Great Britain revised the Alliance, despite the fact that it had two more years to run. Japan's demand for a free hand in Korea was granted by the omission of all reference to the independence of Korea, and by a new article in which England recognized the right of Japan to take such "measures of guidance, control and protection in Korea," as she deemed necessary. Thus the Alliance had not saved Korea, but had actually made its annexation possible.

Furthermore, Japan secured an even more astounding concession from England: the military obligation of the Alliance now became universal. Hitherto, England had been obliged to give military aid to Japan only in case of the intervention of a third power. The Alliance of 1905 (Article II), however, declared:

> If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any other Power or Powers either Contracting Party should be involved in war in defense of its territorial rights or special interests. . . . . the other Contracting Party will at once come to the assistance of its ally and will conduct the war in common and make peace in mutual agreement with it.

This universal military obligation was binding on England from 1905 to 1921. Because of it, any power, whether it be China or the United States, who wished to challenge Japan's position in Asia by force was obliged to count on fighting England and Japan together. This pros-

pect was so overwhelming that it prevented any power from interfering with Japanese militarism in the Orient. It is literally true that the Anglo-Japanese Alliance fostered, rather than checked, the imperialism of Japan.[27]

In return for this tremendous concession, England secured some revisions in the Alliance which affected primarily her interests in India. When negotiating the first Alliance, Japan had refused to include India within its scope, despite the argument of Lord Lansdowne that the benefits of the Alliance to Japan were greater than the obligations which she assumed.[28] But in 1905, as compensation for the universal military obligation now accepted by England, Japan waived her former objections; and the object of the revised Alliance was declared to be "the consolidation and maintenance of the general peace in the region of eastern Asia and India," as well as the protection of the special interests and the territorial rights of the parties in the Far East.

England insisted upon this provision because, as an unforeseen result of the Alliance, the Slavic menace to India had become greater than ever.[29] Defeated in the Far East, Russia had redoubled her intrigues in Middle Asia where her activities in building military railways to the Afghan frontier and in intriguing in Tibet had become noticeably threatening. At this time Tibet was nominally under the suzerainty of China, but it was really governed by a nondescript Lama who had succumbed to the influence of a Russian tutor, Dorjieff, and who seemed about to place his kingdom under the protection of the Tsar. Ostensibly

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[27] From the very first, the Anglo-Japanese Alliance was considered by many to be a defensive and an offensive alliance. See the remarks of Earl Spencer in the House of Lords, February 13, 1902, 102, *Parliamentary Debates*, (4th series) 1173.

[28] *Secret Memoirs of Count Hayashi*, 138.

[29] That such would be the result of the Alliance was pointed out at the time of its negotiation in an article, Zeta, "The Anglo-Japanese Alliance and After," *Fortnightly Review*, March, 1902, lxxvii, 365.

because of this danger, Lord Curzon, then Viceroy of India, dispatched the famous Younghusband Expedition to Lhasa in the latter part of 1903, which succeeded in driving the pro-Russian Lama out of power.[30] Curzon may have wished merely to check Russian influence in Tibet and restore the territory to China, or, good imperialist as he was, he may have wished ultimately to annex it to India.[31] Whatever his motive, a new provision was inserted in the Anglo-Japanese Alliance of 1905 (Article IV) which declared that inasmuch as Great Britain had special interests "in all that concerns the security of the Indian frontier, Japan recognizes her right to take such measures in the *proximity* of that frontier as she may find necessary for safeguarding her Indian possessions."

In addition to the destruction of Russian imperialism in the Far East, the Anglo-Japanese Alliance led to two other unexpected results: first, to the supremacy of Japan in the Orient, and second, to the supremacy of Germany in Europe. The Russo-Japanese War had destroyed the one power able to threaten Germany's northern frontier, and it had revealed the impotence of the Russian Government, now helpless in the hands of the revolutionists of 1905. Consequently, France and England lost a strategically located ally against Germany and the Anglo-Japanese Alliance was more valuable than ever, especially in view of the Russian drive on India. Confronted by this situation, Great Britain swallowed whatever qualms of conscience it had in allying itself with an Oriental power whose imperialism was rapidly being revealed. It agreed to the renewal of the Anglo-Japanese Alliance in 1905 with the following changes: (1) The independence of Korea was

[30] Fraser, *India Under Curzon and After*, (1911) 134-146.

[31] For the treaty which Curzon forced on China in regard to Tibet, see MacMurray, *Treaties with and concerning China*, 576. On the Tibetan affair, see also Young, "The Anglo-Japanese Alliance," *Contemporary Review*, July, 1921.

no longer mentioned; (2) India was included within its scope and England was permitted to take action within the proximity of India; (3) the military obligation, hitherto limited to the intervention of a third party, became universal.

III

Despite the fact that the Anglo-Japanese Alliance had expressed the platitudinous desire of maintaining the "general peace in the Extreme East" and "the independence and territorial integrity of China and the Empire of Korea," it showed an uncanny capacity to exempt from its obligation every act of the allies which violated its declared purposes. In 1905, it was thus readjusted to permit the absorption of Korea by Japan. However, Japan's action there could not be contrary "to the principle of equal opportunities for the commerce and industry of all nations"[32] (Article III). In 1910, Japan was bold enough to cast off the sham protectorate under which she governed the peninsula, and openly declared it part of the Nipponese Empire. This act again necessitated a revision of the Alliance which had merely recognized Japan's "paramount interests" there and had guaranteed the Open Door. As a result, although the 1905 Alliance was to last for ten years, another revision was made in 1911, which made no reference to Korea whatever.[33]

England was forced into this cynical revision because, in the face of the European situation, she could not contemplate the alternative of denouncing it. One of the reasons for the maintenance of the Alliance had indeed disappeared: Russia no longer menaced England, even in Middle Asia. The transcendent fear of Germany had led

[32] For a discussion of Japan's tariff policy in Korea, see Chapter X.

[33] That the revision of 1911 was due to Japan's initiative is shown by the declaration which preceded the preamble of the revised treaty.

Russia, England and France hurriedly to settle their disputes, insignificant compared with those which involved them with the Central Powers. France and Russia already had allied themselves in 1891. By the Agreement of August 31, 1907, Russia and England settled the old Middle Asia controversy. By this agreement Russia virtually recognized England's protectorate over Afghanistan; and Persia was divided into three zones, England being granted an "exclusive sphere of influence" in the south and Russia in the north. A central zone was declared neutral; Tibet was neutralized.[34] This brought to an end the Russian menace to India. In a similar manner, Russia and Japan settled their Asiatic quarrel in agreements made in 1907 and 1910 by which they recognized the special interests of both in Manchuria and Mongolia. Thus the Russian danger had been disposed of, in order to present a united front to Germany. Nevertheless, England believed that the Anglo-Japanese Alliance was necessary because she felt the assistance of Japan was still essential to compass the defeat of junkerdom. Moreover, if the Alliance should be broken and in its place a Japanese-German Alliance formed, by no means beyond the realm of possibility,[35] Japan would have little difficulty in wresting India from England in time of war, and of assisting Germany to realize her dream of Middle Eastern supremacy. For these various reasons, Mr. Asquith, the British Prime Minister, believed that the Alliance must be preserved, whatever the concessions which Japan should demand in Korea. The plight of the Hermit Kingdom in no way affected the interests of England: British diplomacy has seldom permitted moral scruples to stand in the way of what it regards as the exigencies of statecraft.

[34] Debidour, *Histoire Diplomatique de l'Europe*, ii, 73, 74.

[35] See the alleged draft of a German-Japanese treaty, revealed by the Soviet Government, made in 1916 and 1918; Weale, *Truth about China and Japan*, 210-214.

However, the relations between Japan and the United States had become strained. The annexation of Hawaii by America, to which Japan objected; the immigration question; the San Francisco school incident; the commercial activities of Japan in Manchuria at the close of the Russian War—all tended to embitter the feeling between the two countries and stimulate talk of war. In April, 1911, Senators Cullen, Lodge, and Rayner discussed from the Senate floor, rumors as to the activities of Japan in Mexico, her attempts to secure naval bases and coaling stations there, and even to lay a cable to Guam without consulting the United States.[36]

If America should have gone to war with Japan—and in view of these facts, it was by no means impossible—England would have been obligated by the Alliance to join Japan. But England did not wish to become involved in a war with the United States. Such a war not only would have given Germany a free field in Europe; but it could not have been justified by any cause whatever. America and Britain were related by blood and they were friends. Despite the War of 1812, the real disputes between the two nations had always been settled peacefully. The border line between Canada and the United States had remained unguarded for nearly a hundred years. There were no difficulties separating the two nations—except Ireland![37]

In order to perfect the amicable relations between England and the United States, President Taft and Secretary

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[36] *Congressional Record*, April 13, 1911, xlvii, Part I, 199, 200.

[37] On June 4, 1908, a so-called Arbitration Treaty was signed by the United States and Great Britain, but (1) it was limited to a period of five years in duration, and (2) it excluded from the scope of arbitration all disputes which affected the vital interests, independence and honor of the two parties, and *disputes which concerned the interests of third parties*, that is, Japan. Obviously this Treaty was of little value. The proposed Treaty of 1911 attempted to remove the limitations of the Treaty of 1908. For the latter Treaty, see Malloy, *Treaties and Conventions of the United States*, 814.

of State Knox, negotiated an arbitration treaty with England through the British Ambassador at Washington, James Bryce. This treaty provided that the permanent Court of Arbitration at the Hague, or some other tribunal to be decided upon by special agreement, should arbitrate disputes which could not be settled by diplomacy. Article III of the Treaty declared:

> In cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry, and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I [which defined the disputes to be arbitrated], it shall be referred to an arbitration in accordance with the provisions of this Treaty.[38]

In other words, the United States was obliged to submit all matters to arbitration which the Joint High Commission, of three members from each country, should decide to be justiciable, unless some other means were provided. Both nations pledged themselves to abide by the decision of the Arbitration Court. Consequently, their sovereign right to declare war was considerably restricted.

This Treaty was negotiated during the summer of 1911; and it was sent to the United States Senate for ratification on August 5. The British Foreign Office doubtless assumed that the Treaty would be ratified without question. Consequently, here was an opportunity to exempt the United States from the operation of the Anglo-Japanese Alliance, as well as to make the Arbitration Treaty really effective. England, therefore, demanded the insertion of Article IV in the Alliance in 1911, which read: "Should either High Contracting Party conclude a treaty of general arbitration with a third Power, it is agreed that nothing

[38] See Senate Documents, Nos. 91 and 93, 62d Congress, 1st session, xxx, Misc. IV.

in this Agreement shall impose upon such Contracting Party an obligation to go to war with the Power with whom such arbitration treaty is in force." The 1911 Alliance was signed on the 13th of July, 1911, with the following revisions: all references to Korea were omitted; the article authorizing Great Britain to take what measures she wishes in the proximity of India was dropped; an article, removing the obligation to go to war against a party with which the ally in question has a general arbitration treaty, was inserted.

This concession, which attempted to exempt the United States from the operation of the Alliance, was not willingly accepted by Japan. The *Nichi Nichi* declared that the Alliance now was "unilateral," and the *Hochi* said that "Japan is now America's slave and India's policeman."[39] But Japan's anxiety lest England fail to support her in a war with America was dispelled by the treatment accorded the Arbitration Treaty by the United States Senate. Three weeks after the 1911 Alliance had been signed, the Treaty was sent to this body; and on the 12th of August, 1911, the Committee on Foreign Relations reported it back to the Senate, with the part of Article III which authorized the Joint High Commission to determine what disputes were subject to arbitration, stricken out. Ever jealous of its "dignity" and its sovereign powers, the Senate declared that it could never permit this right to pass out of the hands of the Government of the United States.[40] This would be a surrender

[39] McLaren, *Political History of Japan*, 322.

[40] The Senate later insisted on reserving the following subjects from arbitration: 1. All questions affecting the admission of aliens to the United States; 2. All questions affecting the admission of aliens to the educational systems of the several states; 3. All questions affecting the "territorial integrity of the several states or of the United States;" 4. All questions in regard to the alleged indebtedness or moneyed obligation of any state; 5. All questions involving the maintenance of the traditional attitude of the United States concerning American questions commonly discussed, such as the Monroe Doctrine or other purely governmental policy. These

of sovereignty which no nation could tolerate! Similar reasons led the Senate eight years later to reject the Treaty of Versailles. No arbitration treaty can be effective and no League of Nations can be successful as long as each nation is able to withdraw from the jurisdiction of an international tribunal whatever dispute it wishes. Consequently, President Taft, as did President Wilson later, refused to accept the treaty,[41] shorn of its fundamental provisions; and no general arbitration treaty has been negotiated between Great Britain and the United States from that day to this despite the fact that the war clouds hovering over America and Japan have grown blacker with successive years. Technically, Great Britain remained bound to go to war in defense of Japan and against the United States, in case the latter country attempted to challenge Japan's position in the Orient.[42]

Meanwhile, Japanese militarism continued to be fostered by this agreement. It was the Anglo-Japanese Alliance which killed the American scheme for the neutralization of the Manchurian railroads in 1910. If England had been free to support the United States, Japan and Russia would have probably had to acquiesce. It was the Alliance which offered an excuse to Japan to take over the German holdings in Shantung in 1914; to embark on the Siberian expe-

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reservations were adopted by a vote of 76 to 3, on March 7, 1912. *Congressional Record*, xlviii, part 3, 2953. Also Senate Document No. 135, 66th Congress, 1st session, xv, "Compilation of Treaty Reservations," 9. For divergent points of view in regard to this Treaty see Secretary of State Knox's address, Senate Document No. 298, xxxviii; Senator Lodge's address, Document No. 353, xxxviii; an article by Senator Bacon, Document No. 654. For the debate on the Treaty, see *Record*, xxxviii, part 3, 2865 ff., 2934 ff.

[41] For Taft's point of view, see his address, "Proposed Arbitration Treaties With Great Britain and France," *Proceedings of American Society for Judicial Settlement of International Disputes*, November 7-8, 1911. Also Taft, *Our Chief Magistrate*, (1919) 106-108.

[42] For the Peace Commission Treaty of 1914, see p. 127.

dition; to seize the Pacific islands. It was the Alliance which assisted in the defeat of China and President Wilson at Paris. Because of it, England was bound not to oppose the Shantung award.

In 1921, the Alliance muzzled England's protests against Japanese militarism as effectively as it did before 1914, of which one example will suffice. On June 4, 1921, the Russian Commissary of Foreign Affairs, Mr. Chicherin, addressed a protest to the Governments of France, Great Britain and Italy, in which he called their attention to the dishonorable part which the Japanese military party was playing in fomenting revolts in Siberia.[43] On the 8th of June, Lord Curzon's secretary replied as follows:

> I am directed by Earl Curzon of Kedleston to return to you as unacceptable your communication of the 4th instant respecting recent events at Vladivostok. It is neither customary nor conducive to good relations that one Government should in this manner and without adducing any corroborative evidence address entirely baseless charges to another, and his Majesty's Government must, therefore, decline to enter into any correspondence with you on the matter.[44]

How Mr. Chicherin could be expected to adduce "corroborative evidence" to support "entirely baseless charges," Lord Curzon did not say. But despite his clumsy use of the English language, the whole world suspected that the charges, far from being baseless, were founded on indisputable fact; and that because of the Alliance Curzon's hands were tied: he could do nothing but defend England's ally.

Moreover, in fostering, whether from compulsion or willingly, the activities of the Japanese military abroad, the Alliance necessarily increased the prestige of the same

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[43] For the note, see *Soviet Russia*, August, 1921; also p. 32.
[44] London *Times*, June 10, 1921.

clique at home. As a result, it made the task of Japanese liberalism more difficult than ever.[45] Because of the Russo-French Alliance, France advanced the funds with which the Tsar suppressed the Revolution of 1905-1906. Although it was unlikely that England would go this far in maintaining the present position of the military hierarchy in Japan, its moral encouragement was having the same result.

IV

In view of these unquestioned circumstances, one may readily understand why the Japanese military party insisted on the renewal of the Alliance which should have expired, July 13, 1921. The Alliance effectually prevented foreign opposition; it offered moral encouragement to Japanese militarism abroad; and it enhanced its authority at home. Consequently, the hierarchy violated a tradition twenty-five centuries old when they sent the Crown Prince to London in March, 1921. At first there were denials that his journey had any bearing on the alliance, but the *Asahi* unconsciously revealed the actual state of affairs when it admitted that the journey "will favorably influence the future of the Anglo-Japanese Alliance negotiations."[46]

In an appeal to the self-interest of England, the Japanese press pictured the danger of a Bolshevized Asia, or of a new Germany in the Near East, which the Alliance would forestall. Likewise, they depicted the great services of Japan during the war, and appealed to the ties of senti-

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[45] See an article by Motosada Zumoto, editor of the *Herald of Asia*, in the *Living Age*, April 23, 1921.

[46] For the secret terms which, it is alleged, Japan attempted to force on England upon the renewal of the Alliance, see the Paris edition of the Chicago *Tribune*, as in *Millard's Review of the Far East*, March 12, 1921. For a discussion of the Alliance, see also the numbers of this review for May and June, 1920.

ment which naturally held England and Japan together. The *Hochi*, Marquis' Okuma's paper, traced this historic sentiment back to 1861 when England compelled Russia to withdraw from Tsushima which the latter power had seized for a naval base. The *Yomiuri* declared also that it is "sentimentally unbearable to abrogate that Alliance which has for twenty long years been an embodiment of the friendship between the two island Empires, representatives of Eastern and Western civilization." Very strangely, no one in Japan referred to the violent anti-English campaign carried on in Japan during England's darkest days of the War, a campaign in which German ideals were praised to the skies, and in which the Japanese Minister of War, General Tanaka, publicly defended the suggestion of an alliance with Germany.[47] Now that Great Britain had been victorious, the Japanese hierarchy became "sentimental."

While it was easy enough to understand Japan's insistence on the renewal of the Alliance, it was difficult to perceive England's motives in continuing it. The Alliance, perhaps, was a diplomatic necessity before 1914. In 1921, however, Russia was no longer a contender in the Orient and she no longer menaced India through the Afghan passes; Germany was no longer a military or a naval power. These nations no longer threatened the interests of England or of Japan.

In addition, if the Alliance fostered Japanese militarism;

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[47] Weale, *Truth about China and Japan*, 207.

Another illustration of the "affectionate" regard which Japanese had for Englishmen was the imprisonment of Mr. G. L. Shaw, a prominent British merchant in the Chinese city of Antung. He had objected to the erection of Japanese smelting furnaces in the city; and he refused to permit Japanese officials to search British ships for Korean malcontents. As a result, he was charged with fostering the Korean independence movement, and when he went to Korea on a visit he was clapped into jail and held there four months without a trial. The Japanese Government finally admitted that he was held without proof, for he was at last released. Even then it did not apologize.

An indication of this commercial policy was found in the Cassel Collieries Contract. This was a concession granted in agreements of April and August, 1920, by the reactionary military governor in control of Kwantung province, Mok Wing-sun, to a powerful British syndicate, headed by Major Louis Cassel. It provided that all the coal and transportation potentialities of the province be turned over to a virtual British monopoly for a period of ninety years. The contract further provided that in addition to the right to mine unworked fields, the company had the *right to acquire mining concessions granted citizens of other nations, already in operation, after compensation had been made.*[53] (Fifty-one mines were already in operation.) In return, the syndicate loaned the militarists who had granted the concession, the sum of $1,000,000. This contract was confirmed by the Peking Government just before Wing-sun surrendered control of the province to the Canton Government when Dr. Sun Yat-sen came back to power. Upon this change in government, the contract was cancelled, because it had been negotiated "in circumstances which deprived it of all validity." But in a desperate effort to retain the concession, the British interests appealed over the heads of the Canton Government to Peking.[54] The attempt to obtain this coal monopoly may have been prompted by a desire to bolster up the commercial and industrial supremacy of Hongkong. Whatever its immediate cause, it was another illustration of the mercantilist trading policies to which many elements in England are committed. Naturally, an alliance would be advantageous in carrying out such a purpose. By means of an alliance with Japan, the Closed Door in China would be

[53] Statement of Canton Information Bureau, Japan *Weekly Chronicle*, October 6, 1921.

[54] Hodges, "Britain's Strangle Hold on South China," *Nation*, August 24, 1921.

slammed shut after the merchants of Japan have been admitted in the north and after the merchants of England have been admitted in the south.[55] Regardless of whether or not England actually contemplated such a policy, the continuance of the Alliance, with its insistence on "special interests," inevitably aroused suspicions that such was its chief reason for existence.[56]

However great the necessity was of renewing the Alliance from the standpoint of the British Foreign Office, there was one necessity even greater: that was the avoidance of war with the United States. It will be remembered that President Taft's general arbitration treaty was killed by the Senate; and that consequently, Article IV of the Alliance exempting nations with which one or both of the Allies had such treaties from the Alliance, was inoperative; England was still legally bound to go to war, under certain circumstances, against the United States. In order to get out of this impasse as gracefully as possible, the British Foreign Office hit upon one of those ingenious interpretations for which it is now noted, and declared that a treaty concluded between the United States and Great Britain in 1914 would be considered as an arbitration treaty in the meaning of the Alliance. This was the Peace Commission Treaty, negotiated between Cecil Arthur Spring-Rice and Secretary of State Bryan, and signed in Washington, September 15,

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[55] On this point, see Dewey, "Hinterlands in China," *New Republic*, May 24, 1921; also Smith, *The British in China and Far Eastern Trade*, (1920) XIII and XIV. The British have attempted to defend this concession, but unsuccessfully. See the remarks of Mr. Cecil Harmsworth, Under Secretary of Foreign Affairs, in the House of Commons, August 5, 1921. His main defense was that there were fifty-one mines already being worked by outside parties; but the contract gave the syndicate the right to acquire them at a price presumably fixed by the syndicate and Chinese Government. See also "A Concession and Its Critics," North China *Herald*, September 24, 1921.

[56] For the "racial" and "sentimental" reason against the cancellation of the Alliance, see Chapter VI.

more readily in the Alliance than out of it. It was absurd to believe that Japan insisted on renewal merely to have obstacles placed in front of her designs! Japan wanted the Alliance not to be controlled, but to be protected. Consequently, the objections of the United States to the agreement were not met when Lloyd George assured us that the Alliance, on renewal, would clearly exempt the United States from its operation, because its encouragement to Japanese imperialism would still remain.

Partly because of the opposition of the United States to the Alliance, the Dominions also became hostile. Mr. Theodore Massey, the Prime Minister to New Zealand, declared that a war between England and the United States would "smash the Empire into smithereens." Mr. Hughes, Prime Minister of Australia, had long before said that he greeted with joy every battleship laid down in an American shipyard. In 1921, the Federation of Australian Labor declared against renewal. The Melbourne *Labour Call* said that "it is the beginning of the end of a white race or tribe when they have to seek protection from and owe their existence to a foreign colored race." Likewise Mr. Arthur Meighen, Prime Minister of Canada, declared against any pact which would injure the friendship of the British Empire with the United States.[60]

V

Confronted by this dilemma, Lloyd George resorted to the opportunism for which he is justly famous. His first task was to bring the Dominions into line. Mr. Hughes, the Australian Prime Minister, was soon won over to the principle of renewal—and, it may justly be suspected, for

[60] For the relation of his attitude toward the Alliance and the Oriental labor situation in British Columbia, see a dispatch to the New York *Evening Post*, November 23, 1921, from J. A. Stevenson, "Japanese Problem in Canadian West."

financial reasons. Australia had contracted loans of some fifty million pounds from England during the War. But because of financial difficulties, she was not in a position to pay her bills, let alone build the navy which would be necessary to protect her shores should the Alliance be denounced. Undoubtedly, Lloyd George told Australia that she could expect little aid from England in case she became involved in war with Japan. At any rate, Mr. Hughes experienced a sudden conversion, and came out for the Alliance, which he now declared to be "more precious than rubles!" But other delegates proved obdurate. Moreover, Japan did not relish the specific exemption of the United States from the Alliance. Such an exemption would affront the courtesies of diplomatic procedure and "deprive the Alliance of all military value."

But Lloyd George was not to be defeated. He hit upon two devices which automatically renewed the Alliance, but which theoretically nullified its military obligations. On the 8th of July, 1920, Lord Curzon and Baron Chinda had presented a joint declaration to the League of Nations which declared that the governments of Great Britain and Japan had reached the conclusion that the Alliance, "though in harmony with the spirit of the Covenant of the League of Nations," was not entirely consistent with "the letter" of the Covenant. If the Alliance was renewed, therefore, they recognized that it "must be in a form which is not inconsistent with that Covenant."[61]

According to Article VI of the Alliance, either party

[61] *League of Nations*, Treaty Series, September, 1920, i. No. 1. Under the alliance, England was bound under certain conditions to afford *immediate* military aid to Japan. This was directly contrary to the procedure of the Covenant in which a system of investigation, mediation, etc., was provided. And if a nation violated its procedure, other members of the League were obliged to take action against it (Articles XIII-XVI). But if Japan violated this procedure, under the Alliance England would be obliged to defend her; while under the League she would be obliged to coerce her. Hence some reconciliation between the two became necessary.

Alliance would be binding for one year after it was denounced; and that, consequently, the Imperial Conference was not obliged to reach any definite conclusions as to its desirability. This bewildering interpretation took the form of an official declaration made by Lord Birkenhead, the Lord High Chancellor. According to ordinary interpretation, a contract expires when its time limit is reached. In the case of the Anglo-Japanese Alliance, negotiated for ten years, this was July 13, 1921. But to serve the purposes of temporarily satisfying those in favor of and those opposed to the Alliance, an interpretation was here adopted—indefinitely extending the Alliance—which would have done credit to a Philadelphia lawyer.[63]

Lord Birkenhead's declaration was followed by a second communication to the League, dispatched six days before the Alliance should have expired, to the following effect:

> Whereas the Governments of Great Britain and Japan inform the League of Nations in their joint notification of July 8, 1920, that they recognised the principle that if the Anglo-Japanese Alliance Agreement of July 13, 1911, is continued after July, 1921, it must be in a form which is not inconsistent with the Covenant of the League.
>
> They hereby notify the League pending further action that they are agreed that if any situation arises whilst the Agreement remains in force in which the procedure prescribed by the terms of the Agreement is inconsistent with the procedure prescribed by the Covenant of the League, then the procedure prescribed by the said Covenant shall be adopted and shall prevail over that prescribed by the Agreement.[64]

As a result of this declaration, the military obligation of Great Britain under the Alliance was theoretically nullified. Disputes between Japan and the United States might be

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[63] For the "leak," see London *Times*, July 3, 1921. Also Lloyd George's speech in the House of Commons July 11, 1921, 144 H. C. Debs., 5s., 916.

[64] *Monthly Summary of the League of Nations*, August, 1921, 64.

to the League in accordance with the terms of the
t (see Article XVII); and the only obligation of
was to abide by the procedure of the League. Thus
nce was in theory deprived of its strictly military
which may well explain the assertion of the
that it now was a "ghost" alliance and of the
that it was a "dead letter."
was the status of this Agreement at the time the
ton Conference opened.

PART II

THE CONFERENCE

for the construction only of two capital ships a year. As a result, the American Navy was a poor third to that of England and Germany.[7] But aroused by the dangers of the German submarine, Congress radically changed this policy when it passed the Naval Appropriation Act of August 29, 1916.[8] This act adopted a building program, known as the 1916 program, which was to have been completed within three years. It called for the construction of ten first-class battleships, six battle cruisers, and a large number of smaller vessels. The estimated cost of the program was placed at $514,700,000. However, the entrance of the United States into the World War suspended the building of these vessels, as shipbuilding facilities were diverted to submarine and merchantship construction. But despite the annihilation of German sea power, the naval authorities of the United States, at the close of the War, decided to carry out the 1916 program. And between 1918 and 1921, the keels of the ships then authorized were laid down. The General Naval Board even went to the extent of recommending another three-year program, calling for three more battleships.[9] In 1900, the tonnage of the American Navy was 971,282; but, in 1920, it had increased to 2,910,316. Naval expenditures increased from $136,858,301 in 1914 to $433,279,574 in 1921.

The frankly avowed object of the American program had become the creation of a "navy equal to the most powerful maintained by any other nation in the world."[10] This object not only led the Japanese hierarchy to suspect that the United States intended to challenge its position in Asia, but it came into direct conflict with the naval policy

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[7] See Frothingham, "The Increased Strength of the United States on the Sea," *Current History*, September, 1920.

[8] See Navy *Year Book*, 1917 and 1918, 463-465.

[9] See *Report of the Secretary of Navy*, 1920, 216.

[10] See "Report of the General Board of the Navy," September 24, 1920, *ibid.*, Appendix A.

adopted an Eight-four program, and the next Diet authorized an Eight-six program. Finally, in July, 1920, the Japanese Parliament adopted the long anticipated Eight-eight program in full. The construction of fourteen new capital ships was now authorized—six battleships and eight battle-cruisers. All of these vessels were to be completed by March, 1928, at which time Japan would have a navy of sixteen capital ships of the latest design.[4]

As a result of this program, naval expenditures in Japan increased from $85,000,000 in 1917,[5] to the tremendous sum of $245,000,000 in 1921, a sum which constituted nearly one-third of the entire budget expenditures of the Japanese Government. By 1927, an annual expenditure of $400,000,000 would have been necessary to complete the Eight-eight program. Thus the Japanese Government, before the Washington Conference, was planning to spend as much money on its Navy as was being spent in the United States for that purpose. And this, despite the fact that the population of Japan is only half that of the United States and that its per capita annual income is only twenty-nine dollars compared with a similar income of $350 in the United States.[6]

II

Naturally the naval expansion of Japan aroused the apprehension of the United States and the British Dominions bordering on the Pacific. But as a matter of fact, it was an American Congress which gave the Japanese Diet the excuse for adopting the Eight-eight program. Before the European War the naval policy of the United States called

[4] Bywater, "Naval Construction in Japan," *Scientific American*, January, 1922.

[5] *Information concerning the U. S. Navy and Other Navies*, (1919) Office of Naval Intelligence, U. S. Navy, 79.

[6] *Statistical Record of the Progress of the United States*, 1800-1920, Department of Commerce, (1920) 841.

in a state of semianarchy and it could not afford to engage in a new race for armaments. Moreover, an American and Japanese fleet did not threaten the interests of Great Britain as had a German fleet. The problem of the Atlantic had been solved by the European War; and the problem of the Pacific, which had succeeded it, did not concern England nearly as vitally. Consequently, in March, 1920, the British Admiralty made the revolutionary announcement that England would henceforth be content with a one-power instead of a two-power standard—a navy as large as, but no larger than, that of any other single power.[13]

For five years before the Washington Conference, Great Britain did not lay down a single capital ship. Two hundred obsolescent or obsolete ships were disposed of. The number of men in the British Navy was reduced from 151,000 (its number in 1914) to 121,700.[14] Naval expenditures decreased from 1912-1913 when they constituted twenty-nine per cent of the budget to only eight per cent in 1921.[15] Although the British Empire still maintained the supremacy of the seas it had already, and of its own accord, started to disarm. The comparative status of the American, British and Japanese Navies in capital ships, in 1921 and in 1924, will be seen in the following table:

Navy has to defend, with the exception of a few insignificant island possessions, only two long easily defensible coast lines; and is able to strike as a unit, whereas the British fleet ordinarily must be divided into different squadrons.

[13] See the statement of Mr. Long, First Lord of the Admiralty, March 17, 1920, to the House of Commons; 126 H. C. Debs., 5s., 2301.

[14] Hurd, "From North Sea to Pacific: The New Naval Problem," *Fortnightly Review*, June, 1921.

[15] 139 H. C. Debs., 5s., 1810.

CAPITAL SHIPS, BUILT AND BUILDING

	1921	1924
United States:		
Ships	17	33
Displacement, tons	467,250	1,117,850
Guns	188	340
Foot tons energy	11,989,176	28,597,176
Great Britain:		
Ships	32	33
Displacement, tons	808,200	808,200
Guns	284	284
Foot tons energy	19,080,000	19,080,000
Japan:		
Ships	11	17
Displacement, tons	319,140	543,140
Guns	108	164
Foot tons energy	7,480,000	13,415,400[16]

[15] "Leading Navies Compared," *Scientific American*, February 12, 1921. I have used Mr. Hurd's arrangement, in "The Future of Sea Power: Naval and Mercantile," *Fortnightly Review*, April, 1921.

The following table illustrates the situation in a different way:

COMPARATIVE STRENGTH, CAPITAL SHIPS, DECEMBER, 1921

	Great Britain		United States		Japan	
	No.	Tons	No.	Tons	No.	Tons
Battleships, 1st line	26	635,650	18	500,600	6	178,320
Battleships, 2nd line	7	127,150	13	202,740	4	71,500
Battle Cruisers, 1st line	6	175,400	..	.....	4	110,000
	39	938,200	31	703,340	14	359,820

Footnote continued on page 144.

According to these figures the United States and Great Britain would have been equal in number of capital ships in 1924. But this would have been a mere paper equality because, with the exception of the Hood and the four ships authorized in August, 1921, all of the British ships in 1924 would have been of the so-called pre-Jutland type. On the other hand, the United States and Japan were building respectively sixteen and fourteen capital ships, most of which were post-Jutland vessels, that is, embodying the naval knowledge derived from the battle of Jutland, such as stronger armor and larger guns. Actually, the American Navy by 1924 would have been as strong in capital ship efficiency as the British and Japanese Navies combined, if no further building programs had been adopted by any of these powers.[17]

IV

Despite the fact that the United States was in a position to outstrip any other power in a race for armaments because of its great resources which had been comparatively untouched by the ravages of the European War, there were many imperative reasons why naval competition should

BUILDING PROGRAMS, CAPITAL SHIPS, OF ABOVE THREE POWERS

Battleships, 1st line.....	..	.....	9	357,000	7	287,600
Battle Cruisers, 1st line..	4	160,000	6	261,000	8	352,000
	4	160,000	15	618,000	15	639,600

Taken from "Comparative Fighting Strengths of the Five Great Naval Powers," compiled by Office of Naval Intelligence, U. S. Navy, December 10, 1921.

17 Walker, "Naval Strength of the United States, Great Britain and Japan," *Scientific American*, November, 1921.

end. The most obvious was financial. In the United States about ten per cent of an annual budget of some four billion dollars went to naval expenditures; while between eighty and ninety per cent went to pay for the cost of past and future wars.[18] In view of increased costs it was estimated that the tremendous sum of $1,500,000,000 would be necessary to complete the 1916 building program, an amount which would have equalled the entire naval expenditure, including that on the Kiel Canal, made by Germany between 1898 and 1914.[19] As we have seen, the situation in Japan was, comparatively speaking, much worse than in the United States.

A modern battleship costs $40,000,000, a sum large enough to endow half a dozen colleges. But despite this tremendous outlay, a battleship becomes obsolete within twenty years, and a new type, of increasing costs, must be substituted in its place. Hence the expense is endless. The total sum appropriated for naval expenditures in the 1921-1922 budgets of the five powers which met in the Washington Conference, came to the tremendous figure of $1,300,000,000, a sum twice as large as the endowment of all the universities, colleges and professional schools in the United States, and three times as great as the cost of the Panama Canal.

In the light of these figures it was a simple truism to assert that in every country "productive labor is staggering under an economic burden too heavy to be borne unless the present public expenditures are greatly reduced." To continue the quotation: "It is idle to look for stability, or the assurance of social justice, or the security of peace, while wasteful and unproductive outlays deprive effort of its

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[18] See the chart, *Disarmament Hearings*, H. Com. on Foreign Affairs, January 14, 15, 1921, on H. J. R. 424.

[19] See the minority report on "Suspension of the United States Naval Construction Program," Senate Committee on Naval Affairs, Sen. Doc., No. 766, part 2, 66th Congress, 3d session.

just reward and defeat the reasonable expectation of progress."[20]

But even a stronger reason for disarmament was that such "extravagant expense" was "a constant menace to the peace of the world rather than an assurance of its preservation." The theory that large armaments are necessary to preserve peace was exploded by the last war. Armaments serve merely to disturb peace. In 1914, a mad man shot a certain archduke in the village of Sarajevo. The murder was an incident which ordinarily would have been settled by the courts of law. But it proved to be the match which enflamed the world. The navies of England and Germany and the armies of France, Germany and Russia had been created with the probability of war in view. The nations of Europe had become great powder casks, awaiting some spark to set them off. The mere existence of military and naval competition intensified the animosity of one rival toward the other. Some day a mad man in California may kill a Japanese. In itself the incident will mean nothing: it can be settled by courts of justice or by arbitration. But if it should come in the midst of feverish naval expansion on the part of the United States and Japan, the temptation to fight, merely for the sake of fighting, is likely to be overpowering. If nations feverishly construct great battleships and conscript great armies, it is certain that some time *they will be used.*

Naval competition not only made war between Japan and the United States a probability, but it injured the relations of the latter country with Great Britain. The naval program of the United States, along with its refusal to join the League of Nations, naturally aroused the suspicion of England as to the impurity of American motives.

[20] Note of the United States (August 11, 1921) to the powers, inviting them to the Conference for the limitation of armament, to be held in Washington, November 11, 1921.

It is certain that eventually the British Empire would have answered the challenge of the "big navy" men in the United States. In fact, naval competition was the chief reason why England clung to the Anglo-Japanese Alliance. That instrument made a unit out of the navies of England and Japan which the United States could not outdistance for years to come. Obviously, the struggle of the United States with Great Britain and Japan for the domination of the world would destroy civilization. But such a struggle could be forestalled only by checking naval competition.

V

But despite the overwhelming necessity for disarmament, no one nation could disarm alone. If it were bold enough to do so, its very existence would be threatened by the powers who continued to arm. But if nations disarmed by agreement, the comparative security of each would remain intact. The United States was the one nation in a position to convoke a disarmament conference, because it was taking the lead in naval expansion and because its absence from the League of Nations made action by that body impossible. Consequently, Senator William E. Borah, on December 14, 1920, introduced a resolution inviting the president of the United States to convoke a conference charged with the "duty of promptly entering into an understanding or agreement by which the naval expenditures and building programs" of the governments concerned shall be reduced during the next five years.[21] On the 26th, the New York *World* opened a campaign for the limitation of armaments which met with widespread popular

[21] This resolution was embodied in the Naval Supply Bill, approved July 12, 1921, as Section 9. It limited the powers to the Conference to the United States, Great Britain and Japan, and its purpose merely to disarmament.

approval. As a result of the great demand that some action be taken, the Senate adopted the Borah Resolution on May 26, 1921, by a vote of 74 to 0. And it passed the House on June 29, by a vote of 330 to 4. In response to these different appeals, President Harding broached the matter of a conference to the powers; and on July 10 the State Department announced that Great Britain, France, Japan and Italy had expressed their approval. On August 11, the United States issued formal invitations to these four powers to attend the proposed conference, the opening of which was scheduled for Armistice Day, November 11. By this time the American Government had come to the conclusion that the mere limitation of armaments would do little good unless the actual causes of war were also removed. Consequently, it was decided to include in the conference agenda, questions concerning the Pacific and Far East, "of unquestioned importance at this time." Bluntly speaking, this meant the question of Japanese imperialism. As China, Holland, Belgium and Portugal had interests in these regions, they were also invited to participate in the Conference so far as it related to Pacific and Far Eastern questions.[22]

Every one of the powers invited to the Conference, entered it willingly except Japan. What was her situation? The Diet had approved the Eight-eight program. Her troops controlled the three main outlets of Siberia. They dominated Peking from vantage points in Manchuria and Shantung. Her traders had monopolized some of the richest resources of Asia. Japan had never been closer to real-

[22] Belgium has heavy financial interests in China, although she has no leaseholds. Holland has the third largest empire in the world, the greater part of which is in the Dutch East Indies, lying in the Pacific Ocean north of Australia. They comprise such islands as Sumatra, Borneo, Java and a part of New Guinea. Portugal owns the port of Macao, opposite Hongkong which is a British possession.

izing the dream of Yoshida Shoin for a hegemony over Asia than in 1921. All that the Japanese hierarchy asked of the Western world was to be let alone. But now, as a bolt from a clear sky, came the summons to Washington. Must Japan be another Moses, led to the heights of a Mount Nebo to see the glories of an Asiatic Canaan, only to be denied the right to enter?

Little wonder that the Japanese press was full of lamentations! The imperialist *Kokumin* declared that the Washington Conference was a "plot" to place Japan at the mercy of England and America. The *Yorodzu* said that the Pacific Conference was linked up with America's "ambitions" in China, and that the "solution of such problems is intended to end in stripping Japan of all influence and placing China at America's mercy." In the *Nichi Nichi*, Dr. Uesugi Shinki declared that the Conference was a hostile move of the powers, bent on Japan's humiliation. "If all possibilities of economic and cultural development in China and Siberia are to be stopped, and Japan is to be left an undefended and isolated archipelago on the Pacific to decay and decline in time," the Doctor asks, "what remedy can there be for Japan but to withdraw her delegates from the Conference? *We must make up our minds to jump into the most painful struggle the world has ever seen* with the firm determination to go through the ordeal for however many years it may last." In a similar vein, Mr. Toyama Mitsuru, the leader of the Japanese chauvinists, declared, "The principal aim of the intended Conference is to detach and estrange China from Japan . . . China and Japan once separated, America proposes to cook them one by one at her leisure." These opinions may not have represented the majority of Japanese. But there is no doubt but that they represented the opinion of the hierarchy in control of the Japanese Government.

But despite these general protests against going to the Conference, the Japanese military machine soon realized that Japan could not refuse to participate. Such a refusal would be an open confession of her ambitions in the Orient, which so far she had attempted to hide from the Western world, and it would brand her as an outcast from the society of nations. Consequently, the invitation to attend the Conference was accepted. But at the same time the policy was adopted of limiting the scope of its agenda so as not to affect Japan's "vital interests" in the Orient. The workings of this policy will be pointed out in this and following chapters.

VI

There were four definite purposes which the American Government had in view when it convoked the Conference on Limitation of Armament, and Pacific and Far Eastern Questions. These were as follows:

1. The limitation of land and naval armaments.
2. The cancellation of the Anglo-Japanese Alliance.
3. The settlement of the question of the Pacific Islands.
4. The obstruction of Japanese imperialism in China and Siberia,[23] in order to aid the reconstruction of these countries.

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[23] The official agenda of the Conference, published September 21, 1921, which embodied these purposes in diplomatic language, was as follows:

LIMITATION OF ARMAMENTS

1. Limitation of Naval Armament, under which shall be discussed, (a) basis of limitation, (b) extent, (c) fulfillment.
2. Rules for control of new agencies of warfare.
3. Limitation of land armament.

PACIFIC AND FAR EASTERN QUESTIONS

1. Questions relating to China. First, principles to be applied; second, application. (a) territorial integrity; (b) administrative integrity; (c) open door—equality of commercial and industrial

As the immediate and most widely understood purpose was the limitation of armaments, it was this question which the American Delegation first attacked.

On November 12, 1921, the First Plenary Session of the Conference opened in Continental Memorial Hall. As a fitting prelude, America's "Unknown Soldier" had been laid at rest in Arlington Cemetery the day before.[24] Doubtless there were cynics who waved the significance of this ceremony aside, dubbing it perfunctory. Or if they realized that it expressed the universal prayer that the world be spared the curse of another war, they refused to admit that such a prayer might not be in vain. To them and doubtless to many professional diplomats the Washington Conference could do nothing more than pass a few pietistic principles. Were not its hands tied by hopelessly conflicting national ambitions and interests?

To such as these and to all who were used to the sparring and the finesse and the secrecy which have saturated European diplomacy since the time of Talleyrand, the speech of Secretary of State Charles E. Hughes, on November 12, was an overwhelming blow. That speech was not great

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opportunity; (d) concessions, monopolies or preferential economic privileges; (e) development of railways, including plans relating to Chinese Eastern Railway; (f) preferential railroad rates; and (g) status of existing commitments.

2. Siberia (similar headings).

3. Mandated Islands (unless questions earlier settled;) Electrical Communications in the Pacific.

"Under the heading 'Status of Existing Commitments' it is expected that opportunity will be afforded to consider and reach an understanding with respect to unsettled questions involving the nature and scope of commitments under which claims of rights may hereafter be asserted."

(The subject of electrical communications was intended to include the subject of wireless and cables concerning Yap, and also such concessions as were involved in the Federal Wireless Dispute, see p. 71.

[24] Although the Conference was called for November 11, the first session was not held until the 12th on account of the Armistice Day ceremony.

merely because of its audacity, its utter disregard for diplomatic furtiveness, and its sincerity. It was not great merely because it vented the aspirations of the world or because it reasserted Wilsonian idealism. But it was great because it presented an actual workable plan by which that idealism could be put into practice, a plan in the realization of which the United States was to have more than a rhetorical part and in which it was to bear a sacrifice equal to, if not greater than, that demanded of the other powers.

The American Delegation was confronted with the task of limiting naval competition and at the same time of securing for the United States a navy equal to that of any other power in the world. Consequently, it could not ask that the *status quo* be fixed as a naval limit because that would leave Great Britain stronger than the United States. But it could not suggest that authorized building programs be completed, and then further naval construction stop, because such a plan would place the United States far ahead of Great Britain who would consequently oppose the suggestion. There was only one alternative left: to scrap vessels already in existence or in the course of construction in such a proportion that the British and American Navies would approach equality, and then forego all present and future building programs.

In the plan submitted to the Conference on November 12, Mr. Hughes proposed that the following four principles should be followed:

1. That all capital shipbuilding programs, either actual or projected, should be abandoned.
2. That further reduction should be made through the scrapping of certain of the older ships.
3. That, in general, regard should be had to the existing naval strength of the powers concerned.
4. That the capital ship tonnage should be used as the measurement of strength for navies, and a proportionate allowance of auxiliary combatant craft prescribed.

He then proposed that the United States, Great Britain and Japan scrap, according to these principles, a total of sixty ships of a combined tonnage of 1,878,073 tons.[25] The details of his plan may be seen from the following table:

To Be Scrapped

	Ships		Tonnage	
United States	15 new		618,000	
	15 old		227,740	
		30		845,740
Great Britain	4 new		172,000	
	19 old		411,375	
		23		583,375
Japan	7 new		289,130	
	10 old		159,828	
		17		448,958
		60		1,878,073

In addition, it was proposed that Japan should give up her plans to build four new battleships and four new cruisers, which had been authorized but which had not yet been started. This would make the total number of vessels sixty-eight. It will be noted in the table above that although the United States makes the largest sacrifice in "new" ships, that is, ships under construction, Great Britain sacrifices nearly twice the tonnage of ships already completed (or "old"). By this means the United States scaled down the existing strength of the British Navy until it approached, but still somewhat exceeded, the existing

[25] Mr. Hughes' statement that sixty-six ships with a total tonnage of 1,878,043 were to be destroyed, was inaccurate in two respects. As will be seen in the table above, the total number is sixty and the tonnage is 1,878,073. However, Japan gives up eight ships she had planned to build. Mr. Hurd ("The Washington Naval Standards: War Fleet of Four Million Tons," *Fortnightly*, January, 1922) points out that the old ships to be scrapped are already ineffective, so actually the *status quo* was recognized.

strength of the American Navy. In return for this alteration in the *status quo*, the United States agreed to give up its 1916 program.[26]

When these ships had been scrapped, the strength of the three navies would be as follows:

SHIPS TO BE RETAINED UNDER ORIGINAL PROPOSAL

	Capital Ships	Tonnage
Great Britain	22	604,450
United States	18	500,650
Japan	10	299,700

It was proposed that these navies be maintained in this ratio, which was about 6-5-3, for a period of ten years. After that date, replacements might begin to take place, but no vessel should be replaced until twenty years after the date of its completion. The replacements of each of the three powers, moreover, was limited to the following totals:

REPLACEMENT TONNAGE

Great Britain	500,000 tons
United States	500,000 tons
Japan	300,000 tons

When replacements are complete the Navies of Great Britain and the United States would stand on complete equality, and the ratio between the three would be 5-5-3.[27]

[26] One of the fifteen "new" ships above, the *California*, had already been completed. But it had been authorized in a "new" building program—that of 1916. The status of the remaining vessels authorized in that program, just before the opening of the Conference, was as follows: the *Colorado* and *Washington*, two of the ten battleships authorized, had been launched but not completed. The seven uncompleted battleships were on the average about forty per cent complete. None of the six battle cruisers then authorized had been launched. They were about fifteen per cent complete.

[27] No provision was made at this time for the French and Italian navies, a question to be taken up later. See p. 212.

Such in outline, was the American proposal for the limitation of armaments which well deserved Mr. Balfour's characterization as "one of the landmarks of human civilization," because it actually combined "profession" with "practice."

At the Second Plenary Session, held on November 15, all of the powers concerned subscribed "in principle" to the American proposal. But Admiral Kato chilled an expectant audience when, in replying for the Japanese Delegation, he expressed the belief that certain modifications "with regard to the tonnage basis for replacement of the various classes of vessels" should be made. Two days later, Kato issued a statement more closely defining the modifications which the Japanese desired. He said that, because of Japan's geographical position she should receive a tonnage "slightly greater than sixty per cent" of that allotted to the United States and Great Britain. Moreover, she might desire even to approximate the other powers in vessels of a "strictly defensive character."

The American proposal was referred, by the Committee on Limitation of Armament,[28] to a technical subcommittee of naval advisers, headed by Colonel Roosevelt, the Assistant Secretary of the American Navy. It was before this

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[28] The work of the Conference was done through two Committees of the Whole; one, composed of the delegates of the five powers interested in disarmament, called the Committee of the Whole on the Limitation of Armament; the second, composed of the delegates of the nine powers, called the Committee of the Whole on Pacific and Far Eastern Questions. There was also a Committee on Programme and Procedure, and a Committee to Arrange and Classify the Topics for Discussion. There were Subcommittees on Naval Limitation; Drafting a Resolution Regarding Submarines; Naval Tonnage; Technical Naval Advisers; With Respect to Laws of Warfare; With Respect to Poison Gases; on Questions of Foreign Post Offices in China; Special Drafting Committee of Subcommittee on Questions of Foreign Post Offices in China; on Chinese Revenue; on Extraterritoriality; on Drafting; on the Chinese Eastern Railroad. There were twenty-one meetings of the Committee on Limitation of Armament, and thirty-one meetings on the Committee on Pacific and Far Eastern questions.

subcommittee that the details of this plan were to be debated for several weeks, and that the Japanese representatives were to make an argument for a higher ratio which they now came to assert should be seventy per cent (10-10-7 instead of 10-10-6). At first they argued that the requirements of "national security" of Japan demanded such a ratio. But as this basis was totally indeterminable and as the basis of the original proposal was the "existing strength" of the powers, this contention was at once rejected.

Defeated in this line of attack, the Japanese experts next challenged the accuracy of the American figures. They worked out a formula by six different means which resulted in an existing naval ratio of 147 for Great Britain, 100 for America and 70 for Japan. In reply, the American experts proved by three different calculations that Japan was not even entitled to the sixty per cent which had been generously awarded to her. The first was according to the number of capital ships in commission plus the keels of the ships laid down, which gave the American tonnage a ratio of 100 to Japan's 45. The second was according to the number of ships in commission, plus keels laid, plus ships on which money had already been spent for materials. This ratio was 100 to 55. The third was according to the number of ships in commission plus the percentage of completion of ships under construction. This ratio was 100 to 49.[29]

But the Japanese insisted that in determining "existing strength," only completed ships should be counted, which would have given them a ratio of seventy per cent. However it was the position of the American Government that "ships in course of construction should be counted to the extent to which construction had already progressed at the time of the convening of the Conference" on the ground

[29] Kokusai dispatch to Japan *Weekly Chronicle*, December 8, 1921.

that "in case of an emergency a warship which was ninety per cent completed was to that extent ready and that only the remaining ten per cent of construction was necessary."[30] If the Japanese had been successful in excluding ships under construction from the determination of existing strength, the United States would have received no credit whatever for practically the whole of its program upon which $300,000,000 had been spent, and which would have shortly made the American Navy the strongest in the world.

These questions were argued back and forth in the subcommittee of Naval Advisers, until November 30. At that time Baron Kato served notice that Japan must be given a ratio of seventy per cent. A deadlock which could not be broken had arisen, and the controversy was handed over to Messrs. Hughes, Balfour and Kato—the Big Three of the Conference.

It was difficult at first to understand why Japan should quibble over a trifling difference of ten per cent in tonnage ratios. The advantages of agreeing at once to the disarmament proposal were obvious. The limitation of armaments would not injure in any way the ambitions of the Japanese military party. In fact, Japan's relative security would be greater than if no such proposal was adopted. In agreeing thus to disarm, the United States or Great Britain, if acting alone, would surrender the possibility of checking by force Japanese aggression in the Orient. Moreover, the limitation of armaments would make imperialism more popular at home because it would relieve the Japanese people of a grievous tax burden. At Washington, the ready adherence of the Japanese to the Hughes proposal

[30] "Report of the American Delegation to the President," February 9, 1922. Sen. Doc. 126, 67th Congress, 2d session, 799. This document prints also the official minutes of the Committees on Limitation of Armament, and on Pacific and Far Eastern Questions. Hereafter, all citations to this Document will be printed in the text, thus (799).

would have disarmed much of the suspicion there against them. And in the face of such a concession it would have been increasingly difficult for the United States to oppose what appeared to be the "legitimate" demands of the Japanese. Nevertheless, for more than a month the Japanese Delegation refused to agree to the limitation of armaments. The reasons for such a refusal were many, if disguised. The first was the rivalry between the Army and Navy Offices in Tokyo. The acceptance of the disarmament proposal meant a death-blow to the naval profession generally. In fact, it would increase the power of the Japanese Army clique because the future of Japanese imperialism now lay exclusively on the Asiatic mainland, and man power was hereafter to be its principal weapon. In the face of the historic rivalry of the Navy and Army classes in Japan, Admiral Kato hesitated to sign his death warrant.[31] The least that he could do was to make a fight to vindicate the "honor" of the Navy men. Moreover, the natural chauvinism of many elements in Japan prohibited the immediate adoption of the proposal. On November 27, a mass meeting was held at Shiba Park, attended by several thousand people, at which one speaker violently said that if Baron Kato did not secure the seventy per cent ratio, he should never be allowed to set foot on Japanese soil—another way of saying he should be assassinated. The meeting adopted the following resolution:

> The Japanese nation regards the American naval limitation scheme as one which ignores the balance of power and which tends to endanger the foundations of the peace of the world, reaches the decisions (1) that in the matter of naval reduction the idea of ratio should be discarded and that it should be so arranged that each Power has an equal number of warships, and (2) that all fortifications in the Pacific should be abolished.[32]

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[31] For the rivalry between the two offices, see p. 92.
[32] Japan *Weekly Chronicle*, December 1, 1921.

Commenting on the Hughes program, the *Nichi Nichi Shimbun* said, "It is absolutely impossible for Japan to consent to such a ridiculous proposal." The *Kokumin* declared that Japan was a "little too proud to fawn upon America to the length of scrapping a ship in actual existence." The *Miyako* asserted that the United States was not the dictator of the world. With an apparent effort to encourage such imperialistic utterances the Japanese Government launched the new battleship *Tosa*, on December 18, accompanied by an elaborate ceremony which was featured by brass bands, refreshments and aeroplanes.

Although these protests against the Hughes proposals doubtless did not represent the majority of the Japanese people, it is very probable that most of them did insist, for sentimental as well as for military reasons, on the retention of one battleship which the American proposal had destined for the scrap heap—this was the *Mutsu*. A superdreadnought, this vessel is one of the largest and most powerful battleships afloat. It has a displacement of 33,800 tons and a speed of twenty-three and one-half knots an hour, two knots more than the *Maryland*, the only superdreadnought the United States was to have retained under the original proposal. The *Mutsu* is equipped with eight 16-inch guns, firing projectiles of nearly 2,200 pounds in weight, at a maximum range of 44,000 yards.[33] Moreover, it has a great sentimental hold on the Japanese people because it was built partly by the subscriptions of school children as well as the general public.[34]

In the American proposal, it was proposed to scrap all ships in course of construction, including American dreadnoughts, already ninety per cent complete. It had been the understanding of the American Delegation that the

[33] Bywater, *Sea Power in the Pacific*, 202, 328.

[34] The report that the *Mutsu* was named after the Emperor Mutsuhito was erroneous; it was named after a province in Japan.

To Be Scrapped

Type	United States		Great Britain		Japan	
	Ships	Tonnage	Ships	Tonnage	Ships	Tonnage
Post-Jutland Super-dreadnoughts	7	291,800	..	none	6	264,500
Battle Cruisers	6	271,000	8	214,900	11	379,550
Dreadnoughts	2	40,000	17	378,200	3	61,950
Older Battleships	15	227,000	..	.....	5	74,928
Grand Total	30	829,800	25	593,100	25	780,928

This ratio is to be maintained until 1931.[38] After that date replacements of capital ships may begin. However, no capital ship may be replaced until twenty years after the

[38] The following comparison may be made between the original and the final scheme for limitation:

Navies for Next Ten Years

	United States		Great Britain		Japan	
	Ships	Tonnage	Ships	Tonnage	Ships	Tonnage
Original	18	500,650	22	604,450	10	299,700
Final	18	525,850	20	582,050	10	313,300
		Replacement				
Original	..	500,000	..	500,000	..	300,000
Final	..	525,000	..	525,000	..	315,000

The existing tonnage of the three fleets has remained practically the same (with a slight increase for Japan and the United States, which is offset by the type of vessels retained by Great Britain); and the replacement tonnage is slightly increased; but the ratio 5:5:3 is maintained.

date of its completion. Replacements of each nation are limited in tonnage as follows:

REPLACEMENT

	Tonnage	Ratio
United States	525,000	5
Great Britain	525,000	5
Japan	315,000	3
France	175,000	1.75
Italy	175,000	1.75[39]

VII

But the price of Japan's adherence to the sixty per cent ratio was not merely the retention of the *Mutsu*—which actually resulted in a defeat for Japanese diplomacy because the increases granted England and the United States were greater than those given Japan. There was a second concession of incomparably more importance than any single battleship: this involved the fortification of the Pacific Islands. Despite the fact that the United States has a great number of islands in the Pacific Ocean, many of which, such as the Hawaiian group, Guam, the Philippines, Tutuila, and the Aleutian Islands, are capable of becoming naval bases and coaling stations, not a single one of them could be used for that purpose by a large fleet in 1921. At Pearl Harbor in Hawaii the American naval authorities have for some years been engaged in developing a naval base. In 1919, a large dry dock was opened there. But up to the present not even Pearl Harbor can accommodate a large number of vessels. There are three supposed naval bases in the Philippines (at Cavite, Olongapo and Polloc) but none of them is "properly equipped for

[39] See p. 212.

the repair and maintenance of ships . . . Nowhere in the Archipelago does there exist a base capable of supplying the bare needs of a great fleet."[40] The little island of Guam, some 1,400 miles from Japan, and known as the key to the Pacific, has an excellent harbor, but it is still undefended and unequipped for use in time of war. In the last few years the American naval authorities have persuaded Congress to vote money to develop Guam, and the Philippines, in addition to Hawaii.[41] But up to the time when the Conference began, the United States had no adequate bases anywhere in the Pacific.

Without such bases, a naval attack on Japan is practically impossible unless the attacking power possesses a navy two or three times as strong as the Japanese Navy. Because of the necessity of maintaining communications with the home base some 4,500 miles away, an American fleet would only be forty per cent or fifty per cent effective in operations in Far Eastern waters.[42]

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[40] Bywater, *Sea Power in the Pacific*, 255.

[41] For the progress in these fortifications, etc., see *Report of Secretary of the Navy*, 1920, 12, 13.

[42] On this point see Bywater, *op. cit.*, 264, 265; also Knox, "Four-Power Treaty Gives Advantage to Great Britain and Japan," *Army and Navy Journal*, December 31, 1921. *Cf.* the following quotation from Ballard, *The Influence of the Sea on the Political History of Japan*, 291:

"Surrounded by the Pacific Ocean, which has once again become her great guarantee of safety because she has learnt how to use it as a line of defense; separated by 10,000 miles of water from Europe and nearly 5,000 from America; and having no great military neighbor near at hand since the break-up of the Russian Empire, her situation is such that no Power in the world can seriously threaten her in her own regions in the near future at least. For any attack on Japan as matters now stand the enemy must be in possession of a fleet about three times as powerful as that of the defense, because no other country has a fully equipped modern naval base and arsenal in the Eastern Pacific capable of docking two or three of the largest battleships simultaneously; or of removing guns one hundred tons in weight; or of manufacturing wholesale supplies of heavy caliber ammunition; or, lastly, of storing the millions of tons of oil fuel required by a twentieth century fleet in war. Without such a base in easy reach, a large proportion of the attacking fleet

But if the United States should continue to fortify the Philippines and Guam, completing a chain of bases across the Pacific, the Japanese Delegation naturally believed that an American attack on Japan would be possible, even though the American Navy was only forty per cent stronger than the Japanese as it would be under the Hughes proposal. The Japanese knew that at present the United States had no such facilities in the Philippines and in Guam, and that consequently, an attack by an American Navy thus limited in strength would be impossible. Consequently, they flatly demanded that the United States stop further fortifications in the Pacific islands, as the necessary *quid pro quo* for their acceptance of the American proposal.

This demand placed the American Delegation in a very difficult position. It brought them face to face with the ultimate result of the whole disarmament plan which, until now, had been lurking in the background; namely, in accepting it, the United States must avowedly surrender the possibility of physically enforcing the policy of the Open Door in the Orient, and even of defending the Philippines from attack. These were very serious considerations. But as long as the American Delegation was resolved to bring about the limitation of armaments, it was forced to agree to the Japanese demand in regard to fortifications. The two matters were inseparable. Consequently, it was also announced on December 15, 1921, that the *status quo* would be maintained "with respect to fortifications and naval bases in the Pacific region." But this restriction was not to apply to the Hawaiian Islands, Australia, the "islands composing Japan proper," and to the coasts of the United States and Canada.

—probably a third—must constantly be at some distance from the theater of operations; while the force actually on the spot must always be twice as strong as the defense if any effective watch or blockade is to be possible. No Power exists at present in a position to undertake such a task."

However, in drafting Article XIX of the Naval Treaty which was to contain these provisions, difficulties arose. The original term "Pacific region" was too broad for the British who apparently wished to extend fortifications south of the equator.[43] Consequently, they proposed a revision which defined the area in which the *status quo* in regard to fortifications was to be maintained, by a parallelogram, with the equator as its south, the 30th degree of latitude its north, the 110th degree of longitude its west, and the 180th degree of longitude, its east side. By this device all of the British islands south of the equator, and also Singapore, would be excluded from the rule in regard to fortifications, but the Japanese Bonin Islands would be included.

This proposal gave the Japanese a double opportunity to protest. They insisted that the Bonin Islands, 520 miles away from Tokyo, were part of Japanese mainland and, therefore might be fortified in the future. Although the Japanese Government was willing to declare its "intention" not to provide defenses there,[44] it "resented" the idea of outside powers attempting to define the extent of "Japan proper." But the contention in regard to the Bonin Islands was resisted by the American Delegation because when fortified these islands would be in a position to dominate Guam and to cut the communications of the United States with the Philippines, if not with the Orient. Japan's efforts to exclude the Bonins from the rule of the

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[43] In October, 1921, Premier Hughes, in an address before the Australian House of Representatives, stated that the Imperial Conference had decided to establish a naval base in the Pacific, but it would not be Singapore. No further light was thrown on this mysterious announcement. But it apparently explained the desire of the British Delegation to limit the nonfortification agreement to north of the equator.

[44] See the instructions wired by the Cabinet Council, January 14, to the Japanese Delegation, reported by the *Asahi* in Japan *Weekly Chronicle*, January 19, 1922.

status quo could not have been based on a desire to increase fortifications there. This is proved by the fact that fortifications had been hurriedly completed on the islands just before the Washington Conference convened. Despite the great secrecy with which these fortifications were started, a vigilant foreign press soon revealed them to the world,[45] although the American Delegation apparently was still ignorant of their existence. When the fortifications were completed, a great festival in honor of the occasion was held in the islands.[46] Consequently, the real reason why Japan held up the naval agreement on this point was to wrench concessions from the United States elsewhere. The Japanese were playing for time. And they used this means to delay the Naval Treaty until they were sure that the Manchurian and Siberian settlements would be satisfactory to their interests.[47] They also used the Bonins, and likewise the Kurile Islands, which stretch out toward Alaska, to exact a minor concession in regard to the American islands in the Pacific—a promise not to fortify the Aleutians, ordinarily considered part of the homeland of the United States. This concession may have some strategic value because these islands are closer to Japan than Hawaii.[48]

Furthermore, the Japanese also raised the question of Singapore, which stands off the Malay Peninsula between the Indian Ocean and the China Sea. This port is of vast strategic importance because practically every vessel that plies between China and India stops here. It is the headquarters of many branch lines running to Siam, Cochin China, the Philippines and the Dutch East Indies. Singapore had been a naval base (though not fully developed)

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[45] See p. 57.
[46] Japan *Weekly Chronicle*, December 29, 1921.
[47] See p. 264.
[48] Tokyo is only 2,533 miles from Dutch Harbor but 3,374 miles from Honolulu.

for generations, and now it was to play a more important part than ever because of the pending abrogation of the Anglo-Japanese Alliance. In 1919, Viscount Jellicoe was sent to the Dominions to consider the problem of imperial defense. He reported that the safety of Australia, New Zealand and India was dependent upon naval bases at Colombo and Singapore. He suggested that the Admiralty should delegate the direction of the operations of a Far Eastern fleet to an officer of high rank stationed at Singapore, and he outlined a plan for a Far Eastern fleet, to which Canada, Australia and New Zealand should contribute.[49] Whether or not as a result of the Jellicoe report, the British Government has been engaged in arming Singapore to the teeth. A great naval depot is being erected on Blakan Mati Island, just south of Singapore. The Keppie Harbor machine shops have been equipped with full facilities for dockyard repairs. The new docks are the largest in the world, costing $20,000,000.[50] Some weeks before the Washington Conference opened, it was reported that Great Britain was preparing to extend these fortifications and facilities so that Singapore would be a leading first-class naval station, and so that it could become the headquarters of a Pacific Squadron which was now to be created.[51] This revolutionary change in British naval policy indicated that the Empire was preparing to cut loose from its dependence on the Japanese Navy, and itself to defend the British possessions in the Pacific and Asia. Consequently, the British were firm in their contention that Singapore be excluded from the nonfortification agreement. As a result in the latter part of January, 1922, the Japanese gave up their position in regard to Singa-

[49] See Keith, *War Government in the Dominions*, 136-147.

[50] See Boston *Transcript's Review of the Conference on Limitation of Armament*, 134.

[51] See "British Naval Concentration in the Pacific," *Army and Navy Journal*, by the Naval Editor, November 12, 1921.

pore and the Bonin Islands, in return for the concessions mentioned above.

In the final draft of Article XIX (which abandoned the British parallelogram), the United States agreed to maintain the *status quo* in regard to fortifications and naval bases in the possessions which it now held or may in the future acquire in the Pacific Ocean, except those adjacent to the coast of the United States, Alaska, the Panama Canal Zone, and Hawaii, not including the Aleutian Islands. The British Empire agreed to the *status quo* in Hongkong and the other insular possessions which it holds or may acquire in the Pacific Ocean, *east of 110° east longitude*, except those adjacent to the coast of Canada, Australia, and New Zealand. Finally, Japan agreed to the *status quo* in the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, as well as all other possessions acquired in the Pacific in the future.[52]

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[52] In addition to the limitation of capital ships and Article XIX, the Naval Treaty of February 6, 1922, contained the following provisions:

1. The limitation of aircraft carriers, see p. 210.

2. No vessel exceeding 10,000 tons displacement, other than a capital ship or an aircraft carrier, may be constructed or acquired (Article XI).

3. No preparations can be made in merchant ships in time of peace for the installation of armaments for the purpose of converting them into men of war, other than the stiffening of decks for the mounting of guns not exceeding 6-inch caliber (Article XIV).

4. Vessels to be scrapped may be disposed of by sinking, breaking up, or converting to target use exclusively (Chapter II, Part 2). This scrapping shall be finally effected within eighteen months after the treaty comes in force.

5. No replacement tonnage except specified exceptions shall be laid down until November 12, 1931 (Chapter II, Part 3, Section I).

6. If any contracting power believes that circumstances have materially changed the requirements of national security, the powers shall meet in conference to consider amendments to the Treaty. "In view of possible technical and scientific developments" the United States shall arrange for another conference after the end of eight years from the coming into force of this Treaty (Article XXI).

7. Whenever a contracting party becomes engaged in war which "in its opinion affects the naval defence of its national security," it

The final form of Article XIX therefore avoided the definition of "Japan proper." It gave the United States the right to increase fortifications and naval bases in Hawaii;[53] and Great Britain the same right in Singapore, since the latter port is west of the dividing line of the Treaty—110° east longitude. The only base from which an attack on Japan is now possible is Singapore.

As long as the Anglo-Japanese Alliance existed, Japan could rest assured that Singapore would never be a menace to her. But as long as this Alliance existed, the United States could not be certain, looking at the question from the tactical standpoint, that the British and Japanese fleets would not be combined against her, making a ratio of 8 to 5. But if the Anglo-Japanese Alliance should be cancelled outright, as America wished, and an Anglo-American understanding established, it would be possible for the fleets of these two powers to combine against Japan, with

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may suspend for the period of hostilities its obligations under the Treaty, other than the articles relative to the conversion of merchant ships into war vessels, after giving notice to the other parties, who, after consultation, may also suspend their obligations under the Treaty for the period of hostilities. At the cessation of hostilities the contracting powers will meet in another conference to consider modifications (Article XXII). This article, and also Article XXI have been severely criticized on the ground that the limitation of armaments can be virtually suspended whenever one of the contracting parties wishes to do so. However, Article XXI implies that no change can be made without the consent of the other powers. And Article XXIII says that the Treaty is to run until December 31, 1936, before which time it cannot be terminated. And if notice of termination is not given two years before this date, the Treaty is to continue in force until two years from the date on which notice of termination is given. Within one year after such notice, a conference shall be held. Thus it seems that, if hostilities do not occur, this Treaty is legally binding on the powers until December 31, 1936, unless they consent jointly to modify it before that date. However, when war breaks out, each power may modify the obligation of the Treaty as it wishes. This may be a weakness; but unless the war is prolonged, it will be impossible to build battleships soon enough to use them. For the criticisms of Articles XXI and XXII see the two editorials in the *Temps*, for February 25 and 26, 1922.

[53] The fortification of Hawaii was insisted upon because Hawaii is necessary to the defence of the Pacific Coast.

Singapore as a base, and making a ratio of 10 to 3. The Japanese Delegation believed that such a preponderance[54] would offset the disadvantage of distance under which the American and British fleets would have to operate. It also believed that the British base at Singapore, under these conditions, would serve as a joint base for both fleets, and that the advantage gained by Japan in the pledge of the United States not to construct bases of her own, would thus be overcome. Consequently if the United States should insist on cancelling the Anglo-Japanese Alliance, Japan would insist that some agreement be created which would assure her that the British and American fleets would not combine. These considerations led to the negotiation of the Four-Power Treaty.

[54] In an address in Peking, November, 1921, Lord Northcliffe actually suggested that Great Britain permit the United States to use Singapore as a base in case the Philippines should be attacked.

CHAPTER VI

THE FOUR-POWER TREATY

I

As noted in a previous chapter, the status of the Anglo-Japanese Alliance at the opening of the Washington Conference, was uncertain. It had been automatically extended, but its strictly military features had been supposedly removed by a joint declaration, made to the League of Nations in July, 1921, in which Great Britain and Japan promised that the procedure of the League would take precedence over that of the Alliance.

But despite this declaration, many severe objections to the Alliance remained. The United States did not belong to the League of Nations and could refuse to submit to its procedure. Practically, the League had so far done little to prevent the outbreak of wars. The Alliance still formed the basis for a naval combination of England and Japan against the United States. It still tacitly encouraged Japanese imperialism, as England remained a silent partner in Japan's foreign policy. The Alliance might still be used to support whatever commercial designs Japan and England had on the Far East to the detriment of the Open Door. In sum, it still threatened the peace of the world. Alliances of whatever nature mean the Balance of Power—one group of nations pitted against another. "Special Alliances and economic rivalries and hostilities," Woodrow Wilson once said, "have been the prolific source in the modern world of the plans and passions that produce

war." Consequently, the success of the Washington Conference depended on the cancellation of this Agreement.[1]

Nevertheless, there were serious obstacles in the way of the cancellation outright of the Alliance. Perhaps these obstacles would not have existed under a real League of Nations, which would have made all alliances and special understandings unnecessary.[2] But under conditions as they were, Japan would not agree to the cancellation of the Alliance and also to the naval settlement, because, as we have seen, the American and British fleets would have then been able to coöperate against Japan in the Far East. Furthermore, the cancellation of an alliance which had been in existence for twenty years and under which Japan had rendered Great Britain valuable service during the war, would have probably offended the Japanese people. It was feared that this would widen the world's division along the line of race; and that, in their resentment, the Japanese people would give the military party a freer hand than ever.[3]

This difficulty was clearly explained by Mr. Balfour at the Fourth Plenary Session of the Conference, December 10, 1921. He said that the Alliance had "stood the strain of common sacrifices, common anxieties, common efforts, common triumphs."

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[1] *Cf.* Mr. Lodge's address in the Senate, March 8, 1922, in which he said: ". . . In my judgment the Anglo-Japanese Alliance was the most dangerous element in our relations with the Far East and with the Pacific. Wars come from suspicions which develop into hatreds and hatreds which develop into war. The Anglo-Japanese Alliance caused a growing feeling of suspicion not only in the United States but in Canada. On the other side, it tended to give a background to Japan which encouraged the war spirit and large preparations both by land and sea for future conflicts. It immobilized England and prevented the exercise of her influence in the East for the cause of peace. . . ." New York *Times*, March 9, 1922.

[2] See p. 196.

[3] *Cf.* Lloyd George's speech to the Imperial Conference, June 20, 1921, *International Conciliation*, No. 167; also before the House of Commons, July 11, 1921, 144 *H. C. Debs.* 5s., 914.

When two nations have been united in that fiery ordeal, they cannot at the end of it take off their hats one to the other and politely part as two strangers part who travel together for a few hours in a railway train. Something more, something closer, unites them than the mere words of the treaty; and, as it were, gratuitously and without a cause to tear up the written contract, although it serves no longer any valid or effective purpose, may lead to misunderstandings in one nation just as much as the maintenance of that treaty has led to misunderstandings in another (110).

In order to solve this dilemma, English spokesmen, before the Conference opened, had suggested that the Alliance be enlarged to include the United States. It was apparently some such idea that the British and Japanese Delegates brought with them to Washington.

II

As all the negotiations in regard to the alliance were secretly carried on between Mr. Balfour, Mr. Hughes and members of the Japanese Delegation, it is impossible accurately to trace the history of the treaty which was evolved.[4] But it seems that Mr. Balfour who realized that the Anglo-Japanese Alliance could not be continued in its present form, drafted a three-power agreement in which the United States, Great Britain and Japan would guarantee their respective interests in the Far East. Judged by the many foreign press reports, it is certain that some form of an alliance was at first suggested.[5] But the Chi-

[4] In the debate on the Hitchcock Resolution requesting the President to place all records, etc., in regard to the negotiation of the Four-Power Treaty at the disposal of the Senate, Senator Lodge said, "I think it only fair to say the Resolution asks for records, conversations, minutes and so forth that have no existence as written documents." According to Senator Underwood, the matter was not discussed in any of the Conference committees. It was not a subject which the Conference proper could deal with. New York *Times*, February 17, 1922.

[5] *Cf.* the editorial, "L'Alliance du Pacifique," *Temps*, December 6, 1921. This was written nearly a week before the Four-Power Treaty was announced.

nese Delegation objected to any agreement concerning the peace of the Far East to which China was not a party. One of the ten principles presented by the Chinese Delegation before the Committee on the Far East, November 16, declared:

> With a view to strengthening mutual confidence and maintaining peace in the Pacific and the Far East, the powers agree not to conclude between themselves any treaty or agreement directly affecting China or the general peace in these regions without previously notifying China and giving her an opportunity to participate.

At the meeting of the Committee on December 8, Dr. Koo made a strong attack against arrangements such as the Anglo-Japanese Alliance and the Lansing-Ishii agreement which concerned "interests" in China, but which were negotiated without China's participation and consent (562). But Mr. Balfour would not agree to the resolution which the Chinese had presented. He said any such principle would prevent France and Belgium from entering into a defensive treaty without consulting Germany (564). He declared that Article XVIII of the Covenant of the League of Nations provided for the publication of treaties, and that the United States, because of its Constitution, could not enter into secret agreements. Publicity was China's real protection. "The whole world would be the judge of future treaties"—an argument disproved by the last twenty years in which the terms of the Anglo-Japanese Alliance had been publicly known. He then asked the Chinese Delegation not to press the committee in regard to this resolution—obviously (although he did not mention it) because its adoption would prevent the extension of the Anglo-Japanese Alliance. Mr. Hanihara of the Japanese Delegation said that the Chinese resolution would "operate as a serious limitation upon their sovereign

right" (566); and that it was neither desirable nor necessary.[6]

Although the American Delegation did not support the Chinese resolution prohibiting the future negotiation of such instruments as the Anglo-Japanese Alliance, it refused nevertheless to enter the alliance, proposed by Mr. Balfour to guarantee the interests of Japan, Great Britain and the United States in the Far East.

Even before the Conference opened, the powers concerned had been informed "that this Government could enter into no alliance or make any commitment to the use of arms or which would impose any sort of obligation as to its decisions in future contingencies."[7] Moreover, the proposed alliance would have given the same protection to Japanese imperialism as had the old one in the past. In addition it would have constituted a recognition by the United States of Japan's special interests in China and Siberia and it would have prevented the United States from protesting against the future aggressions of the Japanese military party. The Balfour draft was unsatisfactory also because of the limited membership of the proposed pact. England and Japan had acted together for twenty years. And in a three-power pact, the United

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[6] On December 14, the Chinese Delegation asked for the cancellation outright of the Anglo-Japanese Alliance, see p. 289. But the only action taken in regard to any of their demands in this respect was in the adoption of a resolution, originally proposed by Sir Auckland Geddes and at first objected to by Mr. Hanihara (570), which was as follows: "That the powers attending this Conference . . . declare it is their intention not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or individually or collectively with any power or powers, which would infringe or impair the principles which have been declared by the resolutions adopted November 21 by this committee." (This referred to the Root principles, see p. 249.) This resolution was substantially incorporated in Article II of the Open Door Treaty, see Appendix I, Treaty VI.

[7] Secretary Hughes' letter to Senator Underwood, *Congressional Record*, March 11, 1922, 4168, 4169.

States would run the risk of being outvoted, two to one, whenever a dispute should arise.

In order to remedy these defects and also to meet the minimum requirements of the British and Japanese, Mr. Hughes then proposed a draft which included France as a party to the agreement, and which abolished entirely the guaranty in respect to the Far East. Instead, this agreement, as finally adopted, provided that the British Empire, France, the United States and Japan should promise to "respect" the rights of each in their "insular possessions and insular dominions in the region of the Pacific Ocean." In case a controversy should arise between the contracting parties in regard to such rights, a joint conference is to be held "to which the whole subject will be referred for consideration and adjustment." If these rights are threatened by the aggressive action of any outside power, the parties agree to communicate with "one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." Practically, this Treaty is to remain in force indefinitely, subject to the right of any of the contracting parties to terminate it after the expiration of ten years, upon twelve months' notice. Finally and of most importance, it provides that upon the deposit of ratifications of the Treaty, the Anglo-Japanese Alliance shall come to an end.[8]

Despite the fact that this agreement applied only to the islands of the Pacific, the Japanese Delegation were ready to substitute it for the Anglo-Japanese Alliance, because the adoption of this Treaty constituted a pledge that Great Britain and the United States would not jointly intervene in the Orient. If the United States had wished to retain

[8] For the text of the treaty, see Appendix I, Treaty III.

right'' (566); and that it was neither d... her sary.[6]

Although the American Delegation ... did never Chinese resolution prohibiting the fu... in the such instruments as the Anglo-Japane... of Great nevertheless to enter the alliance, pro... ble, Baron to guarantee the interests of Japan, ... matular pos- United States in the Far East. ... homeland of

Even before the Conference opene... the United had been informed "that this G... k, Japan, as into no alliance or make any com... Britain proba- arms or which would impose any ... homeland of Japan its decisions in future contin... re thus included. proposed alliance would have ... make an invidious to Japanese imperialism as had ... addition it would have consti... Four-Power Treaty United States of Japan's spe... Session on Decem- Siberia and it would have p... ma previously sum- from protesting against the fo... us made by the United anese military party. The ... this Treaty did not con- tory also because of the lim... mandates by the United posed pact. England and ... ments between the United twenty years. And in a ... in relation to these man- that the controversies re- include questions[11] which international law lie exclu- jurisdiction of the respective

[6] On December 14, the Chi... tion outright of the Anglo-Ja... only action taken in regard t... was in the adoption of a ... Auckland Geddes and at fir... which was as follows: "Th... . . . declare it is their inten... ment, arrangement, or und... individually or collectively ... infringe or impair the pr... resolutions adopted Novem... to the Root principles, ... tially incorporated in Ar... pendix I, Treaty VI.

[7] Secretary Hughes' ... *Record*, March 11, 192...

...eport of the American Delegation ... 1922 (825). [As stated before, ... the pages in Senate Document ...l minutes of the two Conference

... Treaty in this regard is inter- ... Japan will be able to direct ... of population and the less popu- ... Pacific will not fear the arrival en ... Traité de Washington," *Temps*,

Powers"—a reference to such questions as immigration and the independence of the Philippines.[12]

In a flowery speech, Mr. Lodge presented the Treaty to the Conference. He spoke at great length of the beauty and the multitude of the Pacific islands. He quoted Browning and Stevenson, and he referred to Melville and the classic isles of the Ægean Sea. He said that "the surest way to prevent war is to remove the causes of war." Those who listened to his speech must have believed that the Four-Power Treaty had narrowly evaded a conflict of the powers over the "crowding islands" in the "wastes of the Pacific." Not once did he hint at the real significance of the Treaty as a pledge of nonintervention in the Orient. Nor did he refer to the strained interpretation which the powers had accepted of the term "insular possessions." The only important statement he made was that "there is no provision for the use of force to carry out any of the terms of the Agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses."

Mr. Balfour more clearly emphasized the nature of this new Agreement when he said that the Anglo-Japanese Alliance had now been replaced "by something new, something effective, which should embrace all the Powers concerned in the vast area of the Pacific" (110). He believed that this Treaty would "ensure perfect harmony and coöperation between them in the great region with which the Treaty deals." Prince Tokugawa also said that "Japan will rejoice in this pledge of peace upon the Pacific Ocean."

Nearly a week was to pass before it was announced unofficially that the term "insular possessions and insu-

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12 The very fact that such a reservation was necessary, shows the broad scope this agreement is intended to have. On the general subject of the interpretation of treaties, see Crandall, *Treaties, Their Making and Enforcement,* (1916) Chapters XXII, XXIII.

lar dominions'' did include the homeland of Japan.[13] This interpretation was important not only because it pledged the United States not to attack Japan, but also because it imposed on the United States the obligation to take certain measures to repulse an attack on Japan by powers such as Russia and China.[14] The Four-Power Treaty would not prevent China or Siberia from attempting to drive Japan off the Asiatic mainland. But if war should break out, an attack on Japan proper would naturally be a part of the enemy's campaign which the United States was now bound to prevent. The Four-Power Treaty thus interpreted would therefore be nearly as objectionable as the Anglo-Japanese Alliance. It would protect Japan from attack and thus encourage her aggressive policies in Asia which the Four-Power Treaty did not attempt to control.

Thus the ''homeland'' interpretation was objectionable, not only because of the strained meaning it gave to Senator Lodge's ''plain and direct clauses'' but also because it would obligate the United States to defend Japanese imperialism. These defects were unwittingly brought to the attention of the American public by President Harding. In a newspaper interview on December 20, he said that in his opinion Japan proper was not included in the term ''insular possessions.'' When his attention was called to the directly contradictory interpretation of the American Delegation of which he had been ignorant, the President issued another statement, some six hours later, in which he said that he had no objection to the construction given the Treaty by the American Delegation.[15]

But the objections of the American public could not be

[13] New York *Times*, December 16, 1921.
[14] For the nature of this obligation, see p. 192.
[15] New York *Times*, December 21, 1921.

so easily quieted. In fact they became so strong that the homeland interpretation was finally eliminated in order to save the Four-Power Treaty and therefore the Naval Agreement from defeat at the hands of the United States Senate. Consequently, at the Sixth Plenary Session, February 4, 1922, a supplementary treaty was announced in which the "insular possessions and insular dominions" of Japan were limited only to southern Sakhalin, Formosa and the Pescadores, and the islands under the mandate of Japan.

III

Despite the withdrawal of the "homeland" interpretation, the intervention of Great Britain and the United States in the Orient did not become more probable. The very nature of this Agreement and the circumstances in which it was negotiated, indicated that it constituted a pledge of nonintervention. This had been implied in the Naval Treaty whereby the United States agreed not to fortify the Pacific islands. It was implied in the addresses at the Fourth Plenary Session. Mr. Balfour and Prince Tokugawa said that this Treaty insured "harmony and coöperation in maintaining peace" in the Pacific Ocean. Mr. Viviani said that "when four great Powers are determined that peace shall prevail in a given part of the world, the concert of these Powers, without provision for naval or military action, is all that is needed to assure the preservation, the guaranty and the protection of that peace" (107). Mr. Lodge said the Treaty had removed causes of war. Surely the Treaty would not have deserved these encomiums if it had been limited to disputes over the Pacific islands, especially when the question of mandates had been exempted from it. The Treaty had a wider application, but not in the sense ordinarily attributed to it. It

was a treaty to maintain peace because it was a pledge not to attack Japan. Mr. Lodge said it contained no provision for the use of force. He was quite right. The Treaty was a pledge not to use force against Japan.[16]

Finally, this pledge is implied from the interpretation given the Treaty by other sources. Premier Takahashi has declared that the "Quadruple Entente, which for Japan replaces the Anglo-Japanese Alliance, is much wider in bearing, and removes all chances of war . . . By reason of the guaranty we obtain, the position of Japan is strengthened in the Far East."[17] Count Uchida, the Japanese Foreign Minister, declared before the Japanese House of Representatives in January, 1922, that "the Agreement embodied in the Anglo-Japanese Alliance has come to be terminated while the maintenance and consolidation of the *general peace* in the *region* [not the islands] of the Pacific Ocean is to be assured by the new Treaty."[18] Similarly, Viscount Grey declared on December 14, 1921, that "the Anglo-Japanese Alliance was to be merged in a quadruple agreement, and that agreement, though it related only to the island possessions of the Pacific, must have an effect in spirit which would go far beyond the letter of the agreement itself."[19] This statement very nearly approaches Mr. Balfour's declaration in regard to the Anglo-Japanese Alliance: "Something more, something closer, united them [the Powers] than the mere words of the Treaty"—and he might

[16] I do not know whether the American Delegation realized the exact import of the Four-Power Treaty or not. Certainly the fact that it constitutes a pledge of nonintervention in the Orient was not brought out in the debates on this Treaty. Nevertheless, it is difficult to see how the conclusion can be avoided that in the future the United States will be forced to follow this policy, so much desired by Japan. Whether or not the United States was wise in giving Japan this pledge is discussed on p. 322.

[17] New York *Times*, December 24, 1921.

[18] Japan *Weekly Chronicle*, February 2, 1922.

[19] Quoted by Senator Robinson, *Congressional Record*, March 11, 1922, 4179.

have cited a long list of international *ententes* and understandings to uphold his position.[20]

But to disprove the statement that the Four-Power Treaty constitutes a pledge of military nonintervention in the Orient, it will be said that the Japanese Delegation itself took the initiative in eliminating the "homeland" interpretation which would have made that pledge definite. Did not their action prove that this interpretation had been adopted at the behest, not of Japan but of other powers? Nevertheless, Japan lost nothing by the elimination of this interpretation: the pledge still remained. And Japan does not need the assistance of foreign powers in defending her homeland against attack. Consequently the Japanese Delegation could afford to take the initiative to eliminate, with a grand flourish, this interpretation. In so doing they disguised the real source of the idea, and they also saved the Four-Power Treaty and the Naval Agreement from a probable defeat at the hands of the American Senate.[21]

Moreover, it will be said that the statement of Mr. Paul D. Cravath in regard to an "understanding" between Great Britain and the United States, disproves the belief that the Four-Power Treaty constitutes a pledge of nonintervention. At a dinner of the Council on Foreign Rela-

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[20] Speech, December 10, Fourth Plenary Session. For example, the Hay-Pauncefote Treaty of November 18, 1901, between Great Britain and the United States, was concerned merely with the question of the Panama Canal, Great Britain surrendering her former claims of equal control. See Moore, *Digest of International Law*, iii. 219. But the eventual effects of this Treaty were more far-reaching, as Great Britain withdrew her squadron from the Caribbean, and the naval supremacy in the West Indies thereupon passed to the United States. Latané, *The United States and Latin America*, (1921) 266.

[21] The Japanese pretext in asking the elimination of the "homeland" interpretation was that it was opposed by the Japanese people on the ground that it implied that Japan was less able to defend itself than the other powers whose homeland was not guaranteed. The writer understands that the Japanese Delegation was originally divided as to the advisability of the "homeland" interpretation; but Baron Shidehara nevertheless suggested it to the other powers.

tions, in New York on February 17, 1922, Mr. Cravath stated that "on the other hand, and to my mind this is a much more encouraging statement based on the same facts, an Anglo-American fleet in the Pacific would dominate Japan, and it seems to me that we have substituted in place of the necessity of creating the greatest fleet the world has ever seen, with all the expense and temptations that would be involved, an understanding and basis for coöperation with Great Britain which gives those two powers the control of a combined fleet in the Pacific which will be large enough to dominate Japan and make her live up to her obligations."[22] In the uncorrected stenographic reports of these remarks, Mr. Cravath also stated that "I have been told by every member of the American Delegation. I know definitely that the view is held by Mr. Balfour and I think by every other member of the British Delegation, that the result of the Conference has been not a formal agreement by any means, but an understanding, and such a basis of sympathy has been created between Great Britain and the United States that both sides assume that in all future emergencies they can both count on having the very closest coöperation." Mr. Cravath later denied that he had been informed of this understanding by the members of the American Delegation. In the stenographic report, as corrected by him, he said that this statement was, "My opinion based upon information from authoritative sources," but he substantially repeated his belief that such an understanding did exist between Great Britain and the United States.

If this were so, the chief purpose leading Japan to adhere to the Four-Power Treaty would have been thwarted; naval

[22] The original stenographic report of these remarks were brought to light in the Senate by Senator Borah. *Congressional Record*, March 20, 1922, 4574, 4575. He also read the reports as corrected by Mr. Cravath, and printed in the Proceedings of the Council on Foreign Relations, Inc.

intervention in the Orient would still be possible. But the members of the American Delegation at once declared—and in no uncertain language—that no such understanding existed. Mr. Lodge and Mr. Underwood denied having any conversation whatever with Mr. Cravath.[23] Secretary Hughes, in a letter to Senator Lodge, said, "We have no secret understandings or agreements with Great Britain in relation to the Four-Power Treaty or any other matter."[24] In the Senate, Mr. Underwood passionately declared:

"Suppose you allow a statement of this kind to go out here, that your Government, through its accredited agents, has made a solemn compact with four other nations, and then, before the ink is dry on the paper on which it is written, that the agents of your Government have turned around and proved treacherous to the contract, and made a secret understanding with another Government to destroy the life or the opportunity of another nation with whom you are at peace and with whom you have just signed a contract for peace. Have you no pride in your Government? Has your patriotism gone to the winds? Do you not believe that your Government is longer honest, or faithful, or true to a trust?" [25]

If Japan had ever suspected the existence of such an understanding between Great Britain and the United States, she could now rest at ease. These explicit denials reinforced the pledge of military nonintervention which she had aimed to secure. But regardless of such an understanding—and of the question of Singapore—it was improbable that Great Britain would ever consent to coöperate with the United States in a military effort against Japan. Her commercial interests in China and her political interests in India and the Strait Settlements are too vast to be

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[23] Mr. Root, however, refused to make any statement to a reporter, in San Francisco, New York *Times*, March 21, 1922.
[24] *Congressional Record*, March 21, 1922, 4631.
[25] *Ibid.*, March 20, 4576.

risked in a crusade against Japan for the sake of China or of Siberia. Consequently, the Four-Power Treaty recognizes the Japanese as supreme, from the military standpoint, in the regions of the eastern Pacific.

IV

This pledge of nonintervention in the Orient is an obligation of a negative character. But it has been asserted that the Four-Power Treaty also imposes on the United States and the other powers the obligation to protect generally Japanese imperialism, as did the Anglo-Japanese Alliance. While it undoubtedly is true that the obligations of an agreement are not limited strictly to its terms, the Four-Power Treaty is greatly different in nature from an alliance, as an examination of similar agreements in the past will show. On May 16, 1907, Great Britain and Spain adhered to a Declaration concerning the maintenance of the territorial *status quo* in the Mediterranean. In this declaration, the British Government resolved "to preserve intact the rights of the British Crown over its insular and maritime possessions" in this region.[26] And should circumstances arise which would tend to alter this territorial *status quo,* the British Government would communicate with the Government of Spain "in order to afford them the opportunity to concert, if desired, by mutual agreement the course of action which the two Powers shall adopt in common."[27] A similar declaration was made on the same date by France and Spain.[28] The obligation of these Dec-

[26] It should be noted that this declaration did not pledge Great Britain to respect Spanish possessions; but it nevertheless did pledge her to some form of assistance in case they should be threatened.

[27] For the text, see Martens, *Nouveau Recueil Général de Traités,* 3d series, i, 3.

[28] See *ibid.,* 2d series, xxxv, 692.

larations and that of the Four-Power Treaty (Article II), pledging the powers to take the most efficient measures, etc., are very much the same. But the Declarations of 1907 did not constitute an alliance between Great Britain and Spain, or between France and Spain. They merely pledged Spain not to join Germany in overturning the Moroccan Settlements just made at the Conference of Algeciras. They pledged Spain to little more. If, in fact, the Declarations had been an alliance, Spain would have entered the last war. But Spain remained a neutral.

A similar Declaration was signed by Germany, Denmark, France, Great Britain and the Netherlands, and Sweden on April 23, 1908. In this Declaration each of the powers promised reciprocally "to preserve intact and to respect the sovereign rights" which they enjoyed in the regions bordering on the North Sea. In case these rights were menaced, the powers promised to communicate with each other "with a view to concert, by mutual agreement, upon such measures as they should consider advisable in the interest of maintaining the *status quo* of their possessions."[29] On the same date, Germany, Denmark, Russia, and Sweden signed a similar declaration in regard to the Baltic Sea. These powers agreed to preserve intact their rights in the continental and insular possessions bordering on the Baltic. And in case the territorial *status quo* should be threatened, the four powers agreed to communicate with each other in regard to measures they should consider useful to take in the interest of maintaining the *status quo*.[30] These declarations had arisen because of the advances of Russia and Germany in the region of the Baltic and North Seas. The designs of Russia on the Scandinavian Peninsula were of long-standing origin.[31] And it was in order to set at rest

[29] Martens, 3rd series, i. 17.
[30] *Ibid.*, 18.
[31] Alexinsky, *La Russie et l'Europe*, 61 ff.

referred to the conference "for consideration and adjustment." In the case of *Gordon* v. *the United States*, the Supreme Court was called upon to construe very similar phraseology. Here an act of Congress authorized the Secretary of War to "examine and adjust" certain claims. One of the parties held that these words actually gave the Secretary power to arbitrate the claim. But the Court refused to accept this interpretation. It said:

> In order to clothe a person with the authority of an arbitrator, the parties must mutually agree to be bound by the decision of the person chosen to determine the matter in controversy. The resolution under which the secretary assumed to act did not authorize him to make a final adjustment of the matter in controversy. It did not bind the appellant to an acceptance of the amount reported by the Secretary. . . .[38]

The obligation imposed by the Four-Power Treaty on the United States is an obligation merely to confer. It is certainly not as onerous as that imposed in the Treaty of 1846 with New Granada (Colombia) in which we agreed to "guarantee . . . the rights of sovereignty and property which New Granada has and possesses over the said territory of Panama."[39] It is not even as onerous as the obligation we assumed under the Bryan Peace Commission Treaties where we have agreed to refer *all* disputes, not otherwise provided for, with certain nations, to an international commission of investigation, and where we promise not to declare war over such a dispute until one year after it is submitted to such a commission.[40]

Consequently, the obligation under Article I amounts to little. And it has the advantage of pledging the United

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[38] 74 U. S. 188, 194. This case was also quoted by Senator Kellogg in the Senate Debate, *Congressional Record*, March 8, 1922, 4015.

[39] Article XXXV, Malloy, *Treaties and Conventions of the United States*, 312.

[40] See p. 127.

States to the principle, to quote the President, of "conference of peace" rather than "conflicts of arms." Yet in the case of the Four-Power Treaty, it is improbable that this principle will ever be applied. These conferences, in the first place, are limited strictly to disputes in regard to the Pacific islands, which as they now exist have been settled,[41] and which are unlikely ever to arise in the future because of the relative unimportance of the islands concerned.[42] These conferences will not take place in the case of disputes between the four powers on the continent of Asia. According to the broadest interpretation of this Treaty, the *initial* cause for a conference must be a dispute in regard to these islands. Probably after such a conference is called other questions will inevitably come up. But such a conference *cannot be called* unless the dispute arises out of the islands. And in the case of the four contracting powers, these disputes are never likely to occur. Secondly, these conferences are to be held only in case these disputes arise between the four powers who have signed the agreement; but not in case of a dispute with outside powers even though they also have insular possessions in the Pacific.[43] Moreover, the

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[41] See the Yap Treaty, Appendix III.

[42] For the importance of Japan's promise not to attack the Philippines, see p. 195.

[43] An attempt was made in the Senate to remedy this defect in the Senate by the Robinson Amendment, which was as follows:

"Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers, a controversy relating to said insular rights and possessions or to any far eastern questions which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy, to a joint conference to which the whole subject shall be referred for consideration and adjustment." The Robinson Amendment was defeated in the Senate by a vote of 59 to 33, *Congressional Record*, March 24, 1922, 4894.

An amendment, of course, would not have been binding on the

Treaty does not even pledge the four parties to "respect" the rights of outside powers in the Pacific.

This obvious defect in the Four-Power Treaty led to the dispatch of the following note by the American Government to the Netherlands, on February 4, 1922, which read as follows:

> The United States of America have concluded on December 13, 1921, with the British Empire, France and Japan, a treaty with a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. They have agreed thereby as between themselves to respect their rights in relation to these possessions and dominions.
>
> The Netherlands not being signatory to the said treaty and the Netherlands possessions in the regions of the Pacific Ocean therefore not being included in the agreement referred to, the Government of the United States of America, anxious to forestall any conclusion contrary to the spirit of the treaty, desires to declare that it is firmly resolved to respect the rights of the Netherlands in relation to their insular possessions in the region of the Pacific Ocean.

A similar note was sent to the Portuguese Government. And identical notes were sent to both the governments of Portugal and the Netherlands by Great Britain, France, and Japan.[44]

But even now Holland and Portugal are not to be admitted into the conference when disputes arise over their

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other powers. Moreover, Japan would never consent to such conferences in regard to disputes between China and herself. *Cf.* p. 240. If it were possible to admit China or Russia to a conference in case controversies in regard to the Pacific islands were involved, it might be possible to bring in the question of justification, under the broad interpretation of the treaty discussed above. But this will not be possible as long as no provision is made for a conference. Article II does not admit the question of justification in any way whatever; it merely says that "the most efficient measures" are to be taken "to meet the exigencies of the particular situation."

[44] See Mr. Hughes' letter to Senator Lodge, *Congressional Record*, February 16, 1922, 2945.

interests, let alone Russia or China, whose insular possessions are not even "respected" by the Treaty.[45]

On the contrary, a much more drastic procedure is to be followed in case any power not a party to the Agreement threatens by aggressive action the rights of the contracting parties in regard to the Pacific islands. Each party to the treaty "shall communicate with one another fully and frankly in order to arrive at an understanding as to the *most efficient measures* to be taken, jointly or separately, to meet the exigencies of the particular situation" (Article II). This Article does not necessarily require the use of force. But it does nevertheless require some action—the most efficient measures are to be taken, whatever they may be. Certainly, this Article imposes an obligation in some form to resist the "aggression." Suppose Japan pursues her past policy in China or Siberia. Suppose, for example, that she declares a protectorate over Manchuria. Suppose this or similar action leads the Chinese or Soviet Russia or the Siberian Republic to declare war. The first objects of attack may well be the Japanese islands, lying but a few miles off Asia, because it is by means of these islands that Japan is able to dominate Asia strategically. Formosa lies off the Chinese coast midway between Canton and Shanghai. Sakhalin lies but a few miles away from northern Siberia. But what will be the result of an attack on these islands? The United States, Great Britain, and France are pledged to take "the most effective measures" to repulse it. No conference is to be held. The Treaty does not extend to disputes in Asia proper: it does not prevent Japan from declaring a protectorate over Manchuria. True—the United States retains the right to protest against Japan's actions in Asia, if they are divorced from the islands, etc., since

[45] Italy asked to become a party to this Treaty, according to an *Asahi* dispatch to the Japan *Weekly Chronicle*, January 5, 1922, but Japan objected.

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the Treaty is limited merely to the islands. But in case China or Siberia themselves forcibly protest against these actions by declaring war and attacking these strategic islands, America's hands are tied as far as restraining Japanese imperialism is concerned; in fact, she may be obligated to defend it. According to the Brandegee Reservation, adopted by the Senate, March 24, 1922—which declares: "The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defence"—the United States will not send its fleet or its troops to defend Japan. But, nevertheless, we will remain under some obligation as long as we are a party to the Treaty. That obligation would, consequently, at least, take the form of a protest to China. And we will find ourselves in the very interesting situation of protesting to China for attacking Japan when we should be protesting to Japan for its aggressions in China or Siberia.[46] Although the terms of the Four-Power Treaty are limited only to the Japanese insular possessions, the possible aggressions against these islands are intimately linked up with Japanese imperialism in Asia. The outstanding defect of the Treaty is that it provides no means by which acts of imperialism there can be called in question; yet it protects the consequences of those acts in case war should break out. The Four-Power Treaty does not impose the obligation to go to war as did the Anglo-Japanese Alliance. But it probably restricts the right of the United States to protest against Japanese imperialism; it probably will restrict its freedom of diplomatic action. As a result of the Four-Power Treaty, therefore, Japan has received the pledge

[46] It may be said that Japan has given guaranties in the Open Door Treaty, etc., not to commit these aggressions; but she has given similar "guaranties" in the past; and the Open Door Treaty is totally divorced from the Four-Power Pact. See p. 314.

of Great Britain and the United States that they will never undertake a joint *military* expedition against Japan, and Japan has also probably restricted the *diplomatic* pressure which the United States might otherwise bring to bear. The Four-Power Treaty is not an alliance: but it is a treaty of self-abnegation.

In return for the Four-Power Treaty, the United States has gained a pledge from Japan to "respect our rights in," that is, not attack the Philippines; and Great Britain has obtained a similar pledge in regard to Australia. Doubtless the American Delegation believed that this pledge was necessary in view of the fact that the United States had agreed not to fortify the Philippines. But without the Four-Power Treaty, an attack by Japan would have been inconceivable unless it should come as a part of a war with the United States arising out of some other cause. As long as Asia remained open to exploitation, the economic attraction of the Philippines would never have been great enough to lead to annexation which would probably have meant war with the United States. The only real reason why the Japanese military party has wished to annex the American possessions in the Pacific is to use these possessions as bases to prevent the operation of an American fleet in the Orient. But since we have voluntarily agreed not so to intervene, Japan's chief purpose in annexing the islands has been removed.

The only conceivable advantage, therefore, which this country receives from the Four-Power Treaty is the cancellation of the Anglo-Japanese Alliance. There is no longer any possibility that the British and the Japanese fleets will serve as a unit against us. As we have seen, this possibility was an obstacle which prevented the adoption of any plan for the limitation of armaments until it was removed. But while the Four-Power Treaty eliminates the menace of the Anglo-Japanese Alliance to the United States,

it does not destroy entirely the moral encouragement which that Alliance gave to Japanese imperialism. Great Britain no longer guarantees Japan's special interests in the Far East. Nevertheless, her diplomatic freedom is still restricted by the Four-Power Treaty and by her interests in the Orient which Japan may imperil. In addition, the former freedom of action on the part of the United States has also probably been curtailed.

V

There would have been no necessity for the negotiation of the Four-Power Treaty if a real League of Nations had been in existence. Such a league would make all alliances and special understandings unnecessary—in fact, impossible. It would provide not only for the peaceful but the *equitable* settlement of all international disputes. True—the Paris League fell short of this ideal. It did not outlaw alliances. Article XX declared that only special understandings which are inconsistent with the terms of the Covenant are to be abrogated. Article XXI said that "nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or *regional understandings*, like the Monroe Doctrine, for securing the maintenance of peace." According to the parties to it, every alliance is for "securing the maintenance of peace." Consequently, since the Armistice, Europe has seen the revival of the old system of alliances which had previously led it into war. But the United States was as much responsible for this revival of alliances as Europe. It was at its instigation that Article XXI was written—to exempt the Monroe Doctrine. And in order to compensate the remainder of the world for such a concession, that Article was made also to authorize all "regional understandings" which might very well include the Anglo-Jap-

anese Alliance. Undoubtedly, if the United States had been willing, along with some forty other nations of the world, to assume a fair share in the responsibility of maintaining the peace of the world, the Anglo-Japanese Alliance and all alliances would have been forced into oblivion.

But we refused. The Washington Conference came. We found ourselves obliged to take some joint action in one region of the world. So we consented to the Four-Power Treaty. This Treaty resembles the League in the sense that it aims to prevent war. It imposes upon the United States practically the same obligation as far as its nature is concerned as the members of the League of Nations bear. Article X of the Covenant pledges the parties "to respect and preserve" as against external aggression, the territorial integrity and existing political independence of the members of the League. And in case of such aggression the Council of the League merely *advises* as to the means by which the obligation is to be fulfilled. As opposed to Article X of the Covenant, Article II of the Four-Power Treaty says that the powers will communicate with each other as "to the most efficient measures to be taken" (not which *may* be taken) to "meet the exigencies of the particular situation." Interpreting the *nature* of the obligation under the Four-Power Treaty literally, it imposes a heavier responsibility on the United States than would the Covenant of the League. It has been asserted that the word "respect and preserve" as used in Article X of the Covenant implies the use of force, while the word "respect" as used in Article I of the Four-Power Treaty does not. This distinction may satisfy the legal profession, whom Elihu Root apotheosized at the Conference as the "noblest work of God." But Heaven help us if the word "preserve" has kept us out of the League of Nations.

Although the Four-Power Treaty is similar to the League Covenant in the nature of the obligation arising out of it,

VI

As a result of the Naval Treaty, adopting the 5-5-3 ratio and the nonfortification agreement, it is now impossible for any power to intervene successfully in the Orient by force, if acting alone. By the Four-Power Treaty, it is now impossible for Great Britain and the United States to combine their fleets in order to intervene jointly. Moreover, by the Four-Power Treaty the freedom of the United States and Great Britain to bring diplomatic pressure against Japan is also probably limited. Consequently, as long as these Treaties are adhered to, Japan is absolutely supreme in the eastern Pacific and over Asia.

At the same time, the Naval Treaty has made a successful Japanese attack on the Pacific Coast impossible, because Japan, as far as capital ships are concerned, will have a fleet forty per cent inferior to the American fleet; because Japan has no real bases or fortifications in the Pacific this side of the Bonins; and because the United States retains the right to increase the fortifications in Hawaii. As a result of this Treaty, it has become a physical impossibility for the United States successfully to attack Japan and Japan to attack the United States.

These agreements, so far as England and the United States are concerned, have also removed the possibility of war. They have nipped in the bud an impending struggle for the supremacy of the seas; and they have cancelled the Anglo-Japanese Alliance. These results, together with the incidental settlement of the Irish question, have brought the English-speaking peoples of the world together more closely than ever before. A war between the British and the United States is now impossible, not as in the case of the United States and Japan, because of strategic reasons, but because the causes of war have been removed.

CHAPTER VII

FUTURE WEAPONS OF WAR

I

When the Washington Conference opened in November, 1921, 6,000,000 men throughout the world were actively employed in the business of war. The struggles then in progress between nations were not being fought on sea, but on land. And those powers nominally at peace were actually spending more money on armies than on battleships.[1] The situation was as follows:

	Population	Armies
France	40,000,000	818,000
Russia	136,000,000	538,000
Poland	24,000,000	450,000
Japan	56,000,000	300,000
Italy	40,000,000	235,000
England	36,000,000	215,000
Rumania	17,500,000	250,000
United States	105,000,000	175,000
Czecho-Slovakia	14,000,000	150,000
Germany	60,900,000	100,000[2]

Moreover, many of these nations, such as France, Japan, Italy, Greece, Czecho-Slovakia, Poland, Switzerland, and Spain had some form of compulsory military service. As

[1] In 1921 Japan spent some $77,000,000 on her Army to $54,000,000 on her Navy; the United States, $817,000,000 to $648,000,000; Great Britain, $530,000,000 to $410,000,000. *Literary Digest*, November 12, 1921.

[2] This limit was imposed by Article 160 of the Treaty of Versailles. The British army was reduced to 215,000 by the House of Commons on March 22, 1922.

a result, the total reserve military forces of the nations of the world amounted to 14,000,000, making a grand total of 20,000,000 soldiers in the world to-day.

Obviously, the reduction of these great land establishments was desirable. They were a constant menace to the peace of the world; they were forcing many nations into bankruptcy; they were sucking up productive man power which should have been employed in economic enterprise. Of primary importance also was the fact that naval disarmament could never be successful unless the size of armies was also limited. A maritime power could not give up its means of defense on the sea as long as continental powers were unrestricted in military strength.

In 1921, France was maintaining the largest Army in the world, if the disorganized rebel bands in China be left out of consideration. Its Army was composed of 591,000 Frenchmen and 227,000 North African and colonial troops, a total of 818,000.[3] Moreover, France was attempting to bind Germany with a band of iron. With this end in view she had contracted military alliances with Belgium and with Poland. The Polish Army of General Haller was recruited and equipped in France. In the spring of 1920, France supplied Poland with thousands of rifles, machine-guns and shells. The French Budget for 1920 contained a credit to Poland of 400,000,000 francs, an item which was repeated in 1921.[4] In addition, France had attempted to influence the policies of the new states of central Europe and of Rumania so that they would pounce on Germany's back whenever the latter should threaten France.[5] As a

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[3] See the report of the Army Commission of the Chamber of Deputies, *Temps*, December 1, 1921.

[4] From the *Ère Nouvelle*, as in the Manchester *Guardian Weekly*, February 3, 1922.

[5] For a discussion of French military policy, see Bourget, "Pour la défense nationale," *Journal des Débats*, edition hebdomadaire, February 3, 10, 17, 24, 1922.

result, France indirectly controlled far more troops than her own.

This policy had a two-fold object: first, to make certain the collection of the indemnity from Germany; and secondly, to safeguard France from attack and the newly drawn boundary lines of Europe from alteration. It was a policy of an Armed Peace, and it was continuing Europe in a passive state of war. Nevertheless, France believed she could follow no other line of conduct. Her former allies had deserted her. England now questioned every demand she made. America had refused to enter the League of Nations and to ratify the Anglo-American-French Alliance which would have guaranteed French frontiers from attack. Italy was cool. Under such circumstances, France was literally forced back into the Old Diplomacy. Whatever the ultimate results of such a policy may be, it, and it alone, offered France immediate security. Such was the reasoning of an unanimous nation, whose people had witnessed two wars in the last half-century and who were resolved that the Germans should not cross the Rhine again. When Premier Briand came to Washington, he brought one mandate with him: to proclaim to the world that France, under these circumstances, could not disarm. And M. Briand was not slow in making this purpose known. At the Second Plenary Session (November 15), he said that he would be happy "to state publicly . . . what the position of France is." On the 21st his opportunity came. In an eloquent address, he asserted that France could not disarm physically until Germany had disarmed morally, but as yet there were no signs that Germany was penitent of heart. The war party was plotting to regain control. And Field Marshal Ludendorff had just published a book, from which M. Briand read, in which the former German general said that war was of God and eternal peace a dream. Germany had 7,000,000 men who were trained by the last war. These

men could be mobilized over night. Although the Peace Treaty had limited Germany's Army to 100,000 men, she had organized "police" forces of 150,000 men, supposedly to maintain internal order, but many of which could actually serve as the officers of a revengeful army.[6] Moreover, Europe was threatened by the possibility of a Russo-German Alliance, against which France must stand guard. Confronted by these conditions, it would be criminal to leave France defenseless. The Government had already reduced the period of service from three to two years. Legislation was contemplated reducing the army one-half.[7] But "If anyone asks us to go further," M. Briand said, "I should have to answer clearly and definitely that it would be impossible for us to do it without exposing ourselves to a most serious danger." However, if the other powers would come to France and say, "We realize your danger and we will help you secure your safety," why then France would agree to another plan. But until that was done, France could not give up the right to defend herself.

M. Briand's speech may have been satisfactory to the French Chamber of Deputies to whom it was in reality addressed; but it cast the first shadow across the Washington Conference. In reply, the spokesmen of the other powers expressed sympathy for France's position. Mr. Balfour assured M. Briand that Great Britain was ready to

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[6] The German Government on November 22 issued an official denial of M. Briand's charges that the German Army was composed exclusively of officers of the old army. It said that the police force (Schuetzpolizei) was created at the bidding of the Allies; and that it was subject to the exclusive control of the civilian ministries of the Federated States. Moreover, the Einwohnerwehr, or civilian guards, which M. Briand asserted to exist, had been dissolved.

[7] On April 6, 1922, the French Chamber of Deputies, by a vote of 320 to 237, upheld Prime Minister Poincaré's demand for eighteen months military service and an army of 650,000 men. This is very far from the reduction of one-half promised by M. Briand, which would have reduced the French Army to about 410,000. See New York *Tribune*, April 7, 1922.

make further sacrifices to defend the liberty which the Allies had so dearly won. And Mr. Hughes asserted that there was no "moral isolation for the defenders of liberty and justice." Nevertheless, both speakers together with Senator Schanzer of Italy indicated that the Conference should still consider what reduction in land armament might be brought about.

Somewhat different was the reply of Baron Kato. After expressing the sympathy of the Japanese Delegation for "France's peculiarly difficult position," he declared "that the size of the land armaments of each State should be determined by its peculiar geographical situation and other circumstances, and these basic factors are so divergent and complicated that an effort to draw final comparisons is hardly possible." In plain words, this meant that Japan, like France, would not tolerate international tampering with her Army.

But these public addresses did not end the discussion of the Land Armament question. At the meeting of the Committee on Limitation of Armament, held November 23, Mr. Balfour declared that Great Britain "could not consent to the whole question of land and air armaments being . . . withdrawn from the purview of the Conference." Senator Schanzer also strongly declared himself in favor of the reduction of armies (241). But M. Briand stood firm. He said there was no use in wasting time in Platonic expressions. If the powers were willing to share the burden of guarding France's frontiers, she would consider the reduction of armies. But he heard no such offer. Consequently, he must insist that the Limitation of Land Armaments—the third subject on the Agenda—be dropped. As for rules for control of new agencies of warfare—the second subject—France would agree to the appointment of three subcommittees, one on aircraft, one on gases, and a third on subjects relating to the rules of war (247). After this

pronouncement, M. Briand left Washington, the object of his coming having been fulfilled. He sailed for France on November 24; M. René Viviani and, later, M. Albert Sarraut, succeeded him as head of the French Delegation.

Such was the first failure of the Washington Conference. And in large part it was due to France. But her demand for a large army was not due to imperialism. It was due to a belief that Germany will take its revenge on France whenever it gets in a position to do so. Undoubtedly, France is suffering from a bad case of nerves. Undoubtedly, her fears are exaggerated. But they would have been long since banished if the United States had entered the League of Nations and promised to defend France against another attack.[8] But we had refused to give France this guaranty. We had little right, therefore, to ask France to surrender her only remaining means of defending herself, without offering some definite *quid pro quo*.

II

Inasmuch as France had agreed to discuss the question of "Rules for Control of New Agencies of Warfare," three subcommittees were now appointed to consider the questions of poison gas, aircraft, and rules of international law.

Poisonous gas had first been introduced into modern warfare by the German Armies in 1915. It proved to be "abhorrent to civilization," and "it was a cruel, unfair, and improper use of science," demoralizing to "the better instincts of humanity."[9] As poison gas was a new means of

[8] For a discussion of the effect of the refusal of the United States to enter the League on French foreign policy, see Buell, *Contemporary French Politics*, (1920) Chapters XIII and XIV.

[9] Report of the Advisory Committee of the American Delegation. This Committee, composed of twenty-one members, headed by ex-Senator George Sutherland, was appointed by President Harding to represent public opinion. They made studies of all the problems before the Conference, and, according to the American Delegation

warfare, there had been some question during the war whether or not its use was lawful. The Hague Convention of 1907 prohibited "the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases."[10] But this Declaration applied only to projectiles whose *sole* object was the diffusion of gas. But, in the European War, gas was diffused by many other means.[11] Moreover, the United States had never ratified the Declaration.

All doubt, however, as to the legality of poison gas was set at rest by the Paris treaties. Article 171 of the Treaty of Versailles, and corresponding provisions in the other treaties, declared that "the use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany." This article was homologated in the special Treaty between Germany and the United States of August 25, 1921. Consequently, all of the five naval powers at Washington had already recognized the principle that poison gas could not be used as a weapon of war.

In view of this fact, it is difficult to understand why the Washington Conference should wish to reconsider the rule unless it were to change it. In fact, this is what the Subcommittee on Chemical Warfare in its report made on

(785), "their reports and advice were of the greatest value." In addition to the chairman, the Committee was composed of, Charles S. Barrett; Mrs. Charles Sumner Bird; Mrs. Katherine Phillips Edson; Mrs. Eleanor Franklin Egan; Henry P. Fletcher, Under Secretary of State; Samuel Gompers; Herbert C. Hoover, Secretary of Commerce; John L. Lewis; Governor John M. Parker of Louisiana; General John J. Pershing; Congressman Stephen G. Porter; Rear Admiral W. L. Rodgers; Theodore Roosevelt, Assistant Secretary of the Navy; Willard Saulsbury; Harold M. Sewall; Walter George Smith; Carmi A. Thompson; William Boyce Thompson; J. Mayhew Wainwright, Assistant Secretary of War; Mrs. Thomas G. Winter.

[10] The Laws of War on Land, Section II, Article XXII.

[11] Garner, *International Law and the War*, i, 277.

January 6, 1922, actually advocated. Its conclusions were that "the only limitation practicable is to wholly prohibit the use of gases against cities and other large bodies of noncombatants in the same manner as high explosives may be limited, *but that there could be no limitation on their use against the armed forces of the enemy, ashore or afloat*" (385).[12] In other words, it would recognize poison gas as a legitimate means of warfare.

But the force of American opinion prevented the Conference from taking such a backward step.[13] This opinion was expressed through the report of the American Advisory Committee, which resolved that "chemical warfare, including the use of gases, whether toxic or nontoxic, should be prohibited by international agreement, and should be classed with such unfair methods of warfare as poisoning wells, introducing germs of disease, and other methods that are abhorrent in modern warfare" (386). Likewise, the General Board of the United States Navy recommended that gas warfare be prohibited.

Supported by these opinions, the American Delegation went over the head of the Subcommittee and introduced the following resolution (on January 6, 1922) which followed the language of the Treaty of Versailles:

> The use in war of asphyxiating, poisonous, or analogous liquids or other gases and all materials or devices having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties—
>
> Now, to the end that this prohibition shall be universally accepted as a part of international law, binding alike the con-

[12] The Italian representatives on the subcommittee had recommended the total abolition of poison gas, but to no avail.

[13] It undoubtedly was influenced by the description of the horrors of future gas warfare, given in Irwin, *The Next War*. According to the resolutions received by the American Advisory Committee, there were 385,170 votes cast for the abolition of gas warfare and only 169 for its retention.

science and practice of nations, the signatory powers declare their assent to such a prohibition, agree to be bound thereby between themselves, and invite all other civilized nations to adhere thereto.

Certainly the adoption of this Resolution, which was embodied in the Submarine Treaty of February 6, 1922, brought little glory to the Washington Conference.[14] It simply reiterated a principle of international law to which some thirty or forty nations had already expressly agreed.[15]

III

The question of aircraft was also investigated by a subcommittee. This too was a comparatively new weapon of war whose potentialities are yet to be discovered. During the World War, bombing planes were actively employed chiefly in attacking defenseless towns.[16] After-the-war development indicated that the bombing plane had become "the most terrible weapon that human ingenuity has devised."[17] In view of the dangers attendant upon the operation of planes, and the terrific damage done by bombing planes, particularly to defenseless civilian populations, it was natural for the Conference to ask, "Shall the use of aircraft be prohibited in time of war?" But, although the

[14] See Appendix I. Colonel Vestel, "The Arms Conference in Review," *Army and Navy Journal*, March 4, 1922, says that, treaty or no treaty, the use of gas in war will be limited. No country likely to be the theater of war will use it because of its own civilian population. He thinks it doubtful that gas will ever be dropped from aircraft as retaliation is too easy and too effective. The Germans did not drop it from aircraft.

[15] The *Temps* says in an editorial of February 26, 1922, that the wording of this Treaty legitimates the use of poison gas against non-civilized nations. But this is obviously not the meaning of the Treaty, although only civilized powers pledge themselves not to use poison gas.

[16] Garner, *op. cit.*, i, 465.

[17] Bywater, "The Limitation of Naval Armaments," *Atlantic Monthly*, February, 1922.

Italian representatives believed an effective limitation could be obtained by limiting the number of pilots in a permanent military establishment, the subcommittee, in true expert fashion, decided that any limitations would be impossible.

This conclusion was reached ostensibly because aircraft was as yet undeveloped; and because it was impossible to prohibit the use of aircraft in war without hampering the development of commercial aircraft, which the Armament Committee decided was an important factor in the progress of civilization. Consequently, on January 9, 1922, it adopted two resolutions: the first of which declared that "the Committee is of the opinion that it is not at present practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military." The second declared that "the Committee is of the opinion that the use of aircraft in war should be covered by the rules of warfare as adapted to aircraft by a further conference which should be held at a later date" (416). Thus all efforts at limiting competition in what may prove to be the most effective and deadly instrument of war ever invented, totally failed. The only action taken by the Conference even indirectly in this respect was in the adoption of Article VII of the Naval Treaty which limited the tonnage in aircraft carriers to 135,000 tons each in the case of the United States and Great Britain, and to 60,000 tons each in the case of France and Italy, and to 81,000 tons in the case of Japan.[18] Article IX of the Treaty limited the tonnage of each carrier to 27,000 tons, and Article X limited its guns to eight inches in caliber. But these provisions only affected—and indirectly—aircraft operating at sea.

[18] But this greatly exceeded the original proposal of 80,000 tons each for Great Britain and the United States and 48,000 tons for Japan.

The third subject referred to a subcommittee concerning rules of international law. During the World War, new instruments of warfare and new conditions had made former rules of international law inapplicable. There was no adequate law in regard to submarines; to aircraft;[19] to poisonous gases; to contraband; to blockades; to unneutral service—to mention only a few controversial subjects. The Advisory Committee of Jurists who had assembled at the Hague in July, 1920, to prepare a plan for the permanent court of international justice, had recommended that another conference be called to restate established rules of international law, and to formulate changes which should be made in the light of the experience of the last war. This suggestion was communicated to the Council of the League of Nations (331), who, after some modification, sent the suggestion to the Assembly. But this body rejected it altogether. Nevertheless, the need was urgent and the American Delegation believed that the Washington Conference should do something in the matter. Yet it soon found that it would be impossible to achieve any definite results because of the limited nature of the Conference itself. Only nine powers were at Washington: they could not presume to legislate for the whole world. Moreover, the questions of international law in dispute were highly technical. They demanded the careful attention of legal experts with which

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[19] The Hague Conference of 1899 had adopted a declaration, in the Laws of War on Land, which prohibited the discharge of projectiles from balloons, for a period of five years. Another declaration (Article 25) forbade the bombardment of undefended towns. At the second Conference of 1907, the first declaration was renewed by half of the States, the remainder refusing to ratify it, among them being France, Germany and Japan. Article 25, however, was changed to read that the attack of an undefended town *by any means whatever* was prohibited. This provision was inserted apparently to cover air attacks. But the question then arose if all towns were not undefended against air attacks. If so, all such attacks were illegal. Some decision on this point was necessary. Higgins, *The Hague Peace Conference*, p. 237; Garner, *op. cit.*, i, 465.

the Conference was not equipped. Consequently, the only action of the Conference in this respect was the adoption of a resolution, presented by Mr. Root on January 27, 1922, which authorizes the appointment of a Commission composed of not more than two members of each of the five naval powers to consider what changes should be made in the rules of International Law so as adequately to cover new methods of attack. This Commission is to report its conclusions to each of the powers represented. And they shall thereupon confer "as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized powers."[20]

IV

Because of the unsettled conditions arising out of the World War, the American Delegation, in its original disarmament proposal, was unable to make any suggestions as to limiting the French and Italian Navies. This matter, which had been reserved for further discussion, was considered by the naval subcommittee. In December it recommended that France and Italy each adopt a replacement tonnage of 175,000 tons compared to the 300,000 tons allowed Japan and the 500,000 tons allowed Great Britain and the United States.[21] The three great naval powers had agreed to reduce their existing capital ship strength forty per cent. If similarly diminished, the present strength of the French Navy, which was 221,000 tons, would be reduced to 136,000 tons. But the powers were willing that France not only retain but increase her present tonnage to a total of 175,000 tons. Such a figure was perfectly agree-

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[20] See Resolution No. 1, Appendix. For the submarine resolution, see p. 226.

[21] This would make the capital ship ratio, between the five powers, 5-5-3-1.75-1.75. See p. 163.

able to Italy, if France would also accept it.[22] But despite this apparent generosity, the French Delegation was obdurate. Instead of a replacement tonnage of five capital ships, it demanded ten capital ships of a total tonnage of 350,000 tons. This demand was based on the argument that, unlike the other powers, France had been forced to suspend all naval construction during and since the war. In 1914, she was carrying out a naval program which would have given her a fleet of twenty-eight capital ships of 700,000 tons by November, 1921. But when the war came she was forced even to suspend construction on the four superdreadnoughts of the Béarn type. For nearly eight years she had launched not even a submarine. Meanwhile, the United States, Great Britain and Japan had launched a great number of battleships and cruisers.[23] Consequently, the proportionate strength of the French Navy had greatly declined. The French Delegation believed that ten capital ships were necessary to guard the communications of France with her colonies and to protect her 60,000,000 subjects there.

But it was utterly impossible to grant this demand. It meant that France would construct ten post-Jutland vessels as opposed to the three allowed to Great Britain. Such a fleet would have made France supreme throughout Europe, not only on land but on sea. It would have necessitated further construction on the part of other powers so that the limitation of armaments would have become totally impossible.

Consequently, the Conference could not give in to France on the question of capital ships as it had in the matter of

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[22] The equality of the French and Italian fleets meant that the naval, and therefore probably the political supremacy of the Mediterranean would pass to Italy. It was reported that Great Britain insisted on a ratio which would permit the British Mediterranean fleet to be as strong as the French and Italian fleets there combined.

[23] See La Bruyère, "La marine française à Washington," *Journal des Débats* (ed. heb.), February 10, 1922.

effective because submarines can rapidly be constructed in time of war if the submarine industry is kept alive in time of peace. The only way to end the horrors of this type of warfare was by total abolition. The British did not advocate this merely for selfish motives. They believed they were fighting a battle for the whole civilized world.

In reply the French, Italian and Japanese representatives joined Lord Lee in denouncing the illegal warfare of the submarine in the past. Nevertheless, they insisted that it was a legitimate and an effective weapon of defense. In a written statement, read before the Armament Committee on December 23, 1921, Admiral de Bon of the French Delegation made an elaborate vindication. He asserted that submarines had proved effective against the battleship during the War and that they had proved useful as scouts. He believed that they could be legitimately used against merchant shipping, provided they followed well-defined rules against inhuman practices. He also thought it unwise to limit submarine tonnage unreasonably "since we have before us an entirely new weapon, concerning which no one of us can foresee the possible transformation and growth, perhaps in the near future" (285). He declared that 90,000 tons was the absolute minimum which could be laid down for any nation. M. Sarraut also said that the Conference had agreed on the reduction of offensive naval armaments, "but the question of means of defense must be left to the consideration of the countries interested" (294).

Mr. Balfour made a strong answer to the French argument on December 24. He firmly but courteously pointed out that France had prevented all discussion in regard to land armaments on the plea that her frontiers were constantly threatened. Now she insisted on the creation of a great submarine fleet. Yet this fleet would be worthless to France in case of an attack by Germany. But if submarines were not abolished, Germany also would build a

submarine fleet. France would then be forced to look for protection to the great antisubmarine forces which England had in her seafaring population. Would not any one who looked at the French demand, from a strictly strategical and tactical standpoint, be forced to say that the French fleet was built mainly against Great Britain? (296) He believed that if the five great naval powers at Washington should unanimously abolish the submarines, the smaller nations of the world would adhere to this principle "as the beginning of a great and beneficent reform."

Although the British Delegation undoubtedly underestimated the defensive value of the submarine,[26] it stood on firm ground in arguing that it was a hideous means of warfare which could never be controlled by fine-drawn rules. Its indictment profoundly moved the American public who had not forgotten the Lusitania.[27] And it also apparently moved President Harding and Secretary Hughes. On December 24, Mr. Hughes said that the British argument was almost unanswerable and that it had been made in the interests of the peace of the world. Nevertheless, this Conference could not act because of the absence of the great majority of nations from it. He implied that it would be best to bring the question up before a special conference. The British Delegation ended a plucky and a righteous fight, in which it received no support from any other powers, by recording the following declaration:

The British Empire Delegation desires formally to place on record its opinion that the use of submarines, whilst of small

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[26] See p. 235.

[27] The American Advisory Committee had not recommended the abolition of the submarines, but merely that they should obey the same rules as merchant vessels. In not advocating abolition, the Committee certainly misrepresented American opinion. In the straw votes received by this Committee 422,488 voted for the abolition of the submarine to about 4,000 who favored its retention or restriction.

value for defensive purposes, leads inevitably to acts which are inconsistent with the laws of war and the dictates of humanity, and the Delegation desires that united action should be taken by all nations to forbid their maintenance, construction, or employment.

Nevertheless, the debate of the last few days succeeded in leading the American Delegation to revise its original submarine proposal. It was now suggested that the United States and Great Britain maintain 60,000 instead of 90,000 submarine tonnage, while France, Italy and Japan maintain the *status quo*. But all of the three latter delegations objected to this proposal. The Japanese could not go below the 54,000 tons originally allotted them. The Italians insisted on a tonnage as large as the French. And the French said they must await instructions from Paris. These were finally received; and on December 28, M. Sarraut read a statement to the effect that the French Cabinet had decided that it could not accept a limitation lower than 330,000 tons for auxiliary craft and 90,000 tons for submarines. As such a demand would give France the most effective submarine fleet in the world—despite the fact that she is a third-class naval power, the limitation of submarine tonnage had become impossible. Such a fleet, if constructed, would threaten the very existence of England, unless she constructed antisubmarine craft aimed specifically against it. The French fleet was limited to 175,000 tons. Yet France had demanded a submarine quota of 90,000 tons. Submarines were useful chiefly in the destruction of commerce, without which England could not live. As Mr. Balfour said, "One must not overlook the teachings of history. Britain had had many conflicts with France, though happily in the distant past" (316). But France had never feared Great Britain. Her inferior man power could never invade France. And her capital ships could not "imperil the life of France for an hour." On the

other hand, France could utterly destroy England with the submarine unless England increased her armament.

In order to set at rest the natural fears of Great Britain and to safeguard commerce against submarine attacks, Mr. Root introduced a resolution, on December 28, dealing with the rules of this kind of warfare. It read as follows:

I

The signatory powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, declare that among those rules the following are to be deemed an established part of international law:

1. A merchant vessel must be ordered to stop for visit and search to determine its character before it can be captured.

A merchant vessel must not be attacked unless it refuses to stop for visit and search after warning.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

2. Belligerent submarines are not under any circumstances exempt from the universal rules above stated, and if a submarine cannot capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from capture and to permit the merchant vessel to proceed unmolested.

The signatory powers invite the adherence of all the civilized powers to the foregoing statement of established law to the end that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

II

The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of the neutrals and noncombatants and, to the end that the prohibition of such use shall be universally accepted as a part of the law of nations, they declare their assent to such prohibition and invite all other nations to adhere thereto.

III

The signatory powers, desiring to insure the enforcement of the humane rules declared by them with respect to the prohibition of the use of submarines in warfare, further declare that any person in the service of any of the powers adopting these rules who shall violate any of the rules thus adopted, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war, and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any such powers within the jurisdiction of which he may be found.

The first Resolution merely repeated the recognized principles of international law—that a merchant ship must be visited and searched before it can be captured, and that it must not be destroyed unless its crew and passengers are first placed in safety.[28] The second Resolution would amend the rules of international law by prohibiting absolutely the use of submarines as commerce destroyers because of the practical impossibility of a submarine to obey these rules when attacking merchantmen. For example, if a submarine should come to the surface to visit and search a merchant vessel, it would lose the advantage of an unexpected submarine attack, and its appearance for this purpose would make it possible for an armed merchantman to sink it. Moreover, on account of the size of a submarine, it is impossible for it either to take a prize into port or to take off the passengers and crew of a merchantman before sinking it. The third Resolution declared that any person "in the service of any of the powers adopting these rules"[29]

[28] See Chapter IV of the Declaration of London, February 26, 1909; also Oppenheim, *International Law*, 3rd edition, ii, Chapter VI; Moore, *Digest of International Law*, vii, 1199-1214.

[29] The penalty for piracy applies only to violations of the rules in regard to search, seizure, and safety, enunciated in Article I. It does not apply to violation of the rule that submarines shall not be used as commerce destroyers. This question was raised during the debates by Sir John Salmond of New Zealand, and it was answered as above by Mr. Hughes and Mr. Root (379,380).

should be liable to punishment as if for piracy for violating them, by any of the powers within the jurisdiction of which he should be found.

As the first of these Resolutions merely reiterated existing international law, it received the eloquent endorsement of all. But the second and third Resolutions, prohibiting altogether the use of the submarine as a commerce destroyer and punishing violations of the rules in regard to such attacks as piracy, was a new and drastic principle. Admiral de Bon suggested that the Root Resolution be handed over to a committee of jurists (326). But Mr. Root retorted that this was "no perfunctory business for a committee of lawyers." It was a statement of undisputed principles. But despite this plea, the French, Japanese and Italian Delegations felt obliged to refer Article II back to their home governments.

V

It was while awaiting these instructions that the Conference learned the source of England's apprehension toward the French demand for a great submarine fleet. On December 30, Lord Lee, after paving the way with diplomatic platitudes, proceeded to read from an article published in *La Revue Maritime* of January, 1920, by Capitaine de Freygate Castex, now Chief of Staff to the Admiral of the Second Division in the Mediterranean and principal lecturer in the senior officers' course for next year. *La Revue Maritime* was an official publication, issued under the direction of the historical department of the Navy General Staff. In this article, Castex justified, according to Lord Lee, the unrestricted use of the submarine. Castex declared that the idea of the submarine was invented not by the Germans but by the French, notably by Admiral Aube. But regardless of the inventor of such a form of warfare, Castex

declared that "it must be recognized that the Germans were absolutely justified in resorting to it." He also said: "To sum up, one can see nothing in the attitude of the Germans which, militarily speaking, is not absolutely correct. The failure to give notice before torpedoing has raised a storm of protest, but it is not so inadmissible as at first sight appears." The final quotation read by Lord Lee was as follows: "After many centuries of effort, thanks to the ingenuity of man, the instrument, the system, the martingale is at hand which will overthrow for good and all the naval power of England."

The author of these remarks, Lord Lee added, was to be a lecturer in the Senior Officers' course; and he would "no doubt, unless a change of policy took place, be pouring what the British Delegation regarded as this infamy and this poison into the ears of the serving officers of the French Navy." He fervently hoped that the French Government would disavow such statements, and the best way of doing so was to adhere to the Root Resolution.

In reply Admiral de Bon expressed great regret that the misunderstanding between France and England had been based on this article, which he formally repudiated in the name of France. The article expressed purely the opinion of a man who was more of a literary than a naval officer. Moreover, the General Staff declined to assume responsibility for any utterances in *La Revue*, according to the statement printed on the title page.[30] This article, which the French Delegation considered a "monstrosity" (351), could not sully the honor of the French General Staff and Navy. To these remarks, M. Sarraut added his regrets and repudiation.

Although the Castex affair was unpleasant, it had one beneficial result. It forced the French to accept the Root

[30] This was a mistake. There was no such statement in the January number of the *Revue*. It did not appear until April.

Submarine Resolutions. Hitherto, Admiral de Bon had contended that submarines might *legitimately* be used to capture merchantmen, although they should be obliged to obey the rules of war in doing so.[31] Yet the Root Resolution would prohibit the use of submarines as commerce destroyers under any conditions whatever. Theoretically, it still might be possible for a submarine to demand the surrender of a merchant ship. But the submarine actually could not do this in safety because the merchant ships might still be armed. There was nothing in the Root Resolution to prevent this.

However, because of the necessity of proving that the sentiments expressed in the Castex article did not represent the opinion of France, its Delegation was virtually obliged to accept the Root Resolutions without qualification.

But before adopting them, a searching debate was to take place, resulting in a number of amendments to the original Root proposals. Perhaps the most important of these changes occurred in Article III, prohibiting the use of the submarine as a commerce destroyer. Originally, this Article amounted to nothing more than a suggestion that international law be changed to that effect. It merely said that the powers "declare their assent to such prohibition and invite all other nations to adhere thereto." In the opinion of Mr. Hughes this Resolution would not even bind the five powers "if others by their refusal to assent prevented it from becoming a general principle." He assumed that the intention of the resolution was not that these powers should try to make international law for themselves, which, of course, they could not do, but that they should use their influence to obtain the adherence of nations

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[31] *Cf.* the article by René La Bruyère, "L'utilisation du sous-marin contre les navires marchands," *Journal des Débats* (ed. heb.), January 13, 1922, in which he approves of submarine attacks on the surface but not when submerged, etc.

to a new rule of law outlawing the submarine as a destroyer of commerce (342). Mr. Root also said that this resolution called "for an act which did not take effect until assent had been received." But such an innocuous proposal did not satisfy Mr. Balfour. He believed that the five powers could agree as between themselves not to use the submarine as a commerce destroyer, without waiting for the assent of the other powers. On December 29, he moved an amendment as follows: "They declare their assent to such prohibition and *they agree to be bound thereby as between themselves,* and they invite all other nations to adhere to the present agreement." Mr. Root agreed to this important change, and it was substantially incorporated in the submarine treaty.[32]

In the original Root proposal, the penalty of piracy for violating existing rules in regard to attacks on merchantmen, was to be imposed only on persons "in the service of any of the powers adopting these rules." Thus limited, the penalty could not be imposed on persons in the service of a power who refused to follow these rules of humanity. As a result, this exemption from punishment would actually encourage powers not to adhere to these rules, and to embark on the unrestricted destruction of merchant ships. These considerations were brought to the attention of the Committee on Limitation of Armament, on January 6, by Senator Pearce of Australia, who moved to omit the words "in the service of any power adopting these rules" (378) —thus making the penalty apply to *any* person of any nationality. This amendment was substantially adopted.

In connection with the same Article, Senator Schanzer pointed out that in its original form, the penalty of piracy was imposed only on submarines. The Italian Delegation believed that the same punishment should be imposed on

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[32] See Article III, Treaty II, Appendix I.

surface ships without distinction which should infringe upon these rules. This amendment was, in fact, "the indispensable condition" for the acceptance of the Root Resolutions by the Italian Delegation (378). Consequently, this change was also made by declaring that "any person in the service of any power who shall violate *any of those rules*" (instead of "the humane rules . . . with respect to the prohibition of the use of the submarine in warfare")—shall be liable to punishment as if for piracy.

Several other questions were to arise, but only to remain unsettled or undefined. Lord Lee pointed out, on January 5 (365), that this Resolution did not prohibit the use of aircraft as a destroyer of commerce, and that it was as impossible for aircraft to follow humane rules in attacking merchant ships as submarines. But Mr. Hughes said this subject should be discussed under the question of aircraft.[33] On the same day, Senator Schanzer stated that the Italian Delegation understood the term "merchant vessel" to refer to *unarmed* merchant vessels.[34] This brought forth a statement from Lord Lee that if the Italian Delegation meant by this that a merchant vessel could not be armed at all, this would involve an alteration of international law "which the British Empire Delegation could not possibly accept." Mr. Hanihara then raised the question whether the Resolution would prohibit the use of submarines for purposes of blockade, as well as their use as commerce destroyers in general. Such, he said, was the interpretation given the Resolution by the Japanese Delegation (372). But Senator

[33] See p. 209.

[34] The arming of merchantmen was actually authorized in Article XIV of the Naval Treaty which said that no peace time preparations on merchant ships for the installation of armament could be made, *except* the necessary stiffening of decks for the mounting of guns not exceeding six-inch caliber.

The New York *Times* reported on March 28, 1922, that the French Chamber of Deputies would consider a reservation to the effect that France did not consider any vessel carrying guns, as a merchant ship immune from submarine attack.

Schanzer said that such was not the interpretation of the Italian Delegation, and that the question of blockade "had nothing to do with the destruction of commerce." But Mr. Balfour pointed out that the Italian interpretation would permit the submarine to sink every merchant vessel attempting to enter Italy or any other country under an effective blockade. Consequently, it would destroy the value of the Resolution under consideration. As a result of this debate, Senator Schanzer's interpretation was withdrawn (375).

On January 5 and 6, the Armament Committee adopted the following Resolution, which was later embodied in a treaty:

I

The signatory powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, declare that among those rules the following are to be deemed an established part of international law:

1. A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant vessel must not be attacked unless it refuses to submit to visit and search after the warning or to proceed as directed after seizure.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

2. Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine cannot capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

II

The signatory powers invite all other civilized powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public

opinion of the world is to pass judgment upon future belligerents.

III

The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918,[35] the requirements, universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

IV

The signatory powers desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found.[36]

Thus by prohibiting the use of the submarine as a commerce destroyer, the Washington Conference undertook to establish a new principle of international law.[37] If it is enforced, Great Britain's commerce will remain secure. Nevertheless, the mere adoption of rules of warfare will

[35] The words, "as they were violated in the recent war of 1914-1918," were inserted at the suggestion of the French Delegation (368).

[36] These resolutions, in somewhat different wording, were embodied in the Submarine and Noxious Gases Treaty of February 6, 1922. See Appendix I, Part II. The first three resolutions were adopted January 5, and the fourth on January 6.

[37] This rule is in line with the traditional American policy of attempting to secure the exemption of all private property from capture at sea.

always be unsatisfactory, as long as there is no effective sanction to secure their enforcement.[38] Such rules, whether they be poison gas or submarine resolutions, will not restrain a power, if it believes that a material military advantage will be gained by violating them. Consequently, they have little preventive value—they will not reduce the horrors of war. They will merely give the victorious power a basis for increased indemnities.[39] Such reasoning, Mr. Root, at the Fifth Plenary Session, branded as cynical. He declared that the tremendous power of public opinion would enforce these rules—that no nation would dare to violate them. Yet they existed in 1914, and they were violated then. If in the future any power is bold enough, in the face of the outraged opinion of the world, to embark upon an offensive war, it will not have any qualms in using every possible means of prosecuting it.

VI

Although the adoption of the Submarine Resolution in a way compromised the conflicting demands of Great Britain and France, it did not end the controversy between them. On January 31, 1922, M. Jusserand again protested against the widespread belief that France approved of German submarine tactics. He said that this belief was grounded on the Castex article. But this article had been misquoted. Captain Castex had preceded his statement in regard to the downfall of England with the words, "This is the way the Germans are reasoning." But Lord Lee

[38] For the relation of the Arms Conference to the League of Nations, see p. 196.

[39] *Cf.* Wright, "The Washington Conference," *Minnesota Law Review*, March, 1922. On December 29, Mr. Balfour said, "Every one must recognize that when a weapon has been misused in the past, it could be misused in the future and would be much more effective if so misused, no professions of morality or declarations of law could be relied upon to supply a sure protection against this abuse" (338).

had omitted this phrase which showed that Castex was merely interpreting German, not French, opinion. As a matter of fact, in another part of the article, Castex condemned the barbarity of German submarine practices as "a useless and moreover a stupid cruelty." He did not approve of the doctrine attributed to him. It was not being taught in French naval colleges. The real attitude of the French Navy toward German submarine practices was shown by the statement, which M. Jusserand read, of Colonel Laurent, lecturer on naval strategy, who condemned these practices out of hand.[40] The French Ambassador closed by saying that he wished these facts to be known in the interest of fair play.

As Lord Lee did not have the papers at hand, he could not make a detailed reply to the charge of misrepresentation. But he did express surprise at the "whole-hearted and almost vehement defense" of the article in question. In his mind there was no question as to its main thesis (429). And since the article had been published under the direction of the general staff, he thought it a fair presumption that such doctrines were being taught in the French naval college. He did know that France had just proposed to treble her submarine fleet, and that the British, on the contrary, had already decreased their Navy, and were in favor of further reduction. More—they had

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[40] Colonel Laurent is quoted by the *Journal des Débats* (ed. heb.), January 13, 1922, as follows: ". . . Les meilleurs d'entre nous, frappés des dégâts formidables qui ont été le résultat de la guerre des sous-marins allemands et de la gêne terrible qu'ils nous ont causée, cherchent à l'expliquer et ils arrivent à excuser, même à légitimer cette guerre atroce, contraire à la fois à toutes les lois divines et humaines. Nous ne saurions trop réagir contre cette tournure d'esprit. Restons Français. Des lois, des traités existent qu'on ne voile pas impunément. C'est à nous, Français, qu'il appartient de donner l'exemple, bien persuadés que les peuples qui s'honorent d'être civilisés ne cherchent en ce moment, comme dans le passé lointain, qu'à prendre le mot d'ordre chez la mère de toutes les civilisations modernes."

offered France a guaranty "by the whole of their armed forces by land, sea, and air, to protect her against any aggression on her coasts" (432). The British Delegation had done everything possible to maintain and improve the good relations between Great Britain and France. And it was the desire of his country that no word should be spoken that might impair that good feeling. M. Jusserand closed the controversy by protesting that it was not France but the whole Conference which had preserved the submarine.

Despite the adherence of France to the Root Resolutions, the Castex incident aroused the suspicions of Great Britain and America against a nation which five years before had defended the liberties of mankind. If such a suspicion rested on misrepresentation, Lord Lee and the British Delegation might, indeed, be accused of bad faith. In fact, this charge was made by the London *Times* in an article published February 13, 1922, in which it said that the Castex incident was a point of honor and the only blot on the record of the British delegation.[41]

Although Captain Castex did not necessarily represent the opinion of the French Navy, the article was important because it was published in an official journal and because he was to be a lecturer in a French naval college, if only on the subject of general staff organization. It is impor-

[41] See also the *Times*, February 6, 1922, and "A Regrettable Incident," *The National Review*, March, 1922. Lord Lee addressed a letter to the *Times*, offering to wager the editor that his interpretation of the Castex article was correct, and suggesting that the subject be referred to disinterested judges. The *Times* refused to print the letter (see *Times*, February 17, 1922) on the ground that it "tends to treat the question . . . as a personal issue between the First Lord of the Admiralty and the Editor of the *Times*, to whom Lord Lee proposes a species of wager as to which of them has taken the correct view of Captain Castex's thesis. We cannot follow the First Lord in this method of treating a serious public and international incident, though we shall be glad to publish any matter-of-fact statement" in regard to the case. Lord Lee thereupon published his letter in another journal.

tant, therefore, to examine it, if for no other reason than to determine if it was falsely interpreted by the British Delegation.

The article in question was one of a series by Castex which appeared in *La Revue Maritime* between January and April, 1920, and later collected under the title of "Synthesis of Submarine Warfare—Characteristics of the German Submarine Warfare." The January number of the magazine containing the article in question is compiled, according to the title page, "by the historical department of the Navy General Staff." It was not until the April number of the *Revue* that this sentence appeared on the contents page: "The *Revue Maritime* leaves to the authors entire responsibility for the opinions expressed in their articles." As this was three months after the particular article in question, the moral responsibility of the French General Staff for the Castex article seems clear.

In the first section of this article Castex discusses the attempts at world mastery periodically made in the past, but which have all been thwarted by English sea power. Nevertheless, the Germans believed they had found a new weapon—the submarine—which could overcome this factor. Captain Castex believed that this new weapon would fail, not for moral but for technical reasons. He closes the paragraph by saying that despite the technical limitations of the submarine the Germans believed they would be successful. He says, "In this way the Germans are reasoning . . . After four centuries of waiting, thanks to the ingenuity of mankind, at last is found the instrument, the system, the martingale, in a word, which will blow down the English naval power." This was the sentence substantially quoted by Lord Lee. But he did omit the words "In this way the Germans are reasoning." Thus far a case may be made against him. But Captain Castex has a second section in his article, entitled "Piracy," which is

purely his own.[42] Here he says the objections of the Allies to the German submarine practices arose from the fact that "this naughty adversary" "despised the rules of 'fair play' in using special tricks and was not nice enough to abstain from what could hurt his foes." The objections were but "little fits of temper."

As Germany had entered a conflict in which she expected to achieve world leadership, she was "in duty bound in her own interest to employ every weapon in her possession, and to insist that her submarines should inflict the maximum possible damage upon her enemies." Castex also says that "the failure to warn vessels before torpedoing them, which aroused such a storm of protest, is not so great an offense as may appear at first glance." Although he admits that "in *too many* individual cases," the Germans have conducted submarine warfare with *unnecessary* barbarity, nevertheless "the employment of this weapon was justified, in spite of all the outcry against it." These were the opinions of Captain Castex—not of the Germans, and, despite some inconsistencies, they undoubtedly approved of unlimited submarine warfare. Although it was unfortunate that Lord Lee misquoted the first section of the Castex article, his general interpretation of the article was sound.[43]

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[42] The London *Times*' (February 20, 1922) "brief capitulation" of this article does not mention the piracy section, which would have injured its case against Lord Lee.

[43] Even the French press recognized that Castex approved of this warfare. In an editorial, the *Journal des Débats* (ed. heb.), February 24, 1922, said that "l'écrivain français a porté sur la guerre sous-marine certains jugements que nous avons nettement réprouvés, mais nous avons fait ressortir que l'opinion de guerre navale diffère radicalement de celle du Commandant Castex." For the text in English of the article, see the Manchester *Guardian Weekly*, February 24, 1922; and *Living Age*, March 18, 1922.

VII

Regardless of the Castex article, the whole French policy at Washington injured the success of the Conference and unmistakably harmed the standing of France throughout the world. Ungenerous from beginning to end, this policy prevented any action in the matter of land armaments; and it prohibited the limitation—let alone the abolition—of the submarines, and consequently of antisubmarine aircraft. The French Delegation even failed finally to surrender an unimportant leasehold in China.[44] The demands of France for the most effective submarine fleet in the world had no such justification as the demand for a huge army; France was not menaced from the sea. And the demand to build ten capital ships as well as 90,000 tons of submarines was certainly indiscreet when France has no money with which to build them and when she owed some $5,000,000,000 to Great Britain and the United States.[45] France may not be imperialistic, but in view of the results of her policy at Washington, the accusations made against her in this respect were inevitable. These accusations were many, and most of them were too severe. Lord Curzon served no good purpose when on November 24, in an obvious reply to M. Briand's plea for France at the Conference, he declared that the world "will not tolerate the reappearance in the heart of Europe of a great and dan-

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[44] See p. 268.

[45] The American Delegation studiously kept the Conference from considering the question of the Allied indebtedness to the United States. After replying to Lord Lee in regard to the Castex article, M. Sarraut, however, did say (353): "The French people had been given to understand (and in what terms!) that even before reconstituting their defensive forces, and before thinking of again fortifying their country against renewed devastations, they would do well to pay their debts. They felt no shame for those debts, nor did they forget them; they regarded them with pride as the wounded man his scars."

gerous power which is always rattling the sword in the scabbard and which is a perpetual menace to the peace of the world." The cartoon in the New York *World* which pictured France trying on a Prussian helmet was uncalled for. There was no justification for the storming of a French consulate in Italy at a supposed reflection made by M. Briand against the Italian Army;[46] nor for the false report in the London *Morning Post* that M. Jusserand, the French Ambassador, was no longer received at the White House or by Secretary Hughes. Yet these accusations were the logical consequence of the policy followed by the French Delegation, a policy which the *Écho de Paris*, the *Journal des Débats* and the *Temps*, none of which are liberal papers, recognized to have been a mistake.

Moreover, the French policy aided the Japanese program at the Conference. It led the public to believe that the real obstacle to the success of the Conference was not Japan but France. The ends of these two nations had nothing in common. France was fighting for what she believed to be her security, which the reduction of land and submarine armaments might threaten. Japan was not fighting for security. She was threatened by no power. Consequently, she could agree to the naval settlement as long as the Far Eastern *status quo* was maintained. Nevertheless, the distinction between the French and the Japanese policies was difficult for the public to perceive. Consequently, France unwittingly protected Japan from criticism.[47]

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[46] This arose out of the use by M. Briand, of the word *décomposition*, as applied to the Italian Army. He used it in the sense of demobilization (the separation into elements). But the English sense of the word meant to rot! which was the meaning apparently given it by the correspondent. The Italian Delegate, Mr. Schanzer, denied that M. Briand had made any disparaging remarks.

[47] For the coöperation of the French and Japanese Delegations, see p. 320.

VIII

Momentous as the achievement of the Conference was in abolishing competition in capital ships, the failure to limit the construction of aircraft and submarines (as well as auxiliaries) may eventually make the Naval Treaty of Washington of no significance at all. Since the Armistice, a growing school of naval experts has maintained that the day of the battleship, as an instrument of war, has passed. They believe that a battle fleet cannot blockade a country with an extensive coast line; that battleships cannot protect commerce because they must remain near bases; that they are vulnerable to the attack of aircraft, mines and submarines. In their opinion, the battleship did not save England from starvation during the last war—but it was inexpensive antisubmarine craft. Admiral Sims has been credited with the remark that "battleships are not worth the powder to blow them to hell; the future of the battleship is that it is just going to fade out of existence." Lord Fisher, the father of the dreadnought, said in September, 1919, that "flying dominates future war both by land and sea. It is not my business to discuss the land, but at sea the only way to avoid the air is to get under the water, so you are driven to the internal-combustion engine and oil. That is why I keep on emphasizing that the whole Navy has to be scrapped." Sir Percy Scott has likewise declared that "the introduction of the vessels that swim under water has, in my opinion, entirely done away with the utility of the ships that swim on the top of the water. . . . No man-of-war will dare to come even within sight of a coast that is adequately protected by submarines." Admiral Von Scheer, who commanded the German fleet at the battle of Jutland, says that the day has passed when a few nations rich enough to afford big ships could rule the seas, since "an adequate submarine navy would enable a compara-

tively weak nation to pursue an overseas policy." According to General Mitchell, Assistant Chief of the American Air Service, "with our present aviation facilities properly developed, we can sink any enemy vessel, armored or unarmored, that comes within 200 miles of our coast."[48] Others assert that in a blockade, two or three airplane carriers could be more effective than a fleet of battle cruisers.

Recently American experts have developed the radio control of submarine torpedoes; they have invented an armored three-seated airplane, carrying eight machine guns and a 37-millimeter cannon, and capable of dropping 3,000 pound bombs. The new *Goliath* type of plane, which in the future will operate in squadrons of 100, can carry three tons besides its crew and twenty soldiers each armed with a machine gun. The hideous effectiveness of aircraft at sea was shown in the recent bombing of the ex-German battleship Ostfriesland. Here two one-ton bombs were dropped alongside a vessel which had been designed especially to resist torpedo and mine attack. Although the bombs did not even hit the ship, their explosion was able to send it to the bottom. In its report on this experiment, the Joint Army and Navy Board said, "Aircraft carrying high-capacity high-explosive bombs of sufficient size have adequate offensive power to sink or seriously damage any naval vessel at present constructed, provided such projectiles can be placed in the water close alongside the vessel. Furthermore, it will be difficult, if not impossible, to build any type of vessel of sufficient strength to withstand the destructive force that can be obtained with the largest bombs that aeroplanes may be able to carry from shore

[48] The German U-cruiser No. 142, with a displacement tonnage of 2,160 tons, and a cruising range of 20,000 miles on a single load of fuel, bears out this statement, as does also the fact that 400 bombing planes or fifteen submarines can be built for the price of one battleship.

bases or sheltered harbors."[49] Commenting on these conclusions, Mr. Hector Bywater remarks, "Reduced to simple terms, they mean that aircraft, working under favorable conditions, can destroy any battleship which has ever been built or would be possible to build."[50]

Opinion is by no means unanimous in believing that the battleship is doomed.[51] Undoubtedly, many enthusiasts have overestimated the importance of the submarine and the aircraft. But whatever be the truth in their argument, the Naval Treaty of Washington has merely hastened the supremacy of these new instruments of war. It has stopped competition in battleships. Yet according to many, the

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[49] Report of the Joint Board (J. B. No. 349, Serial No. 159) to the Secretary of the Navy, August 18, 1921. This Board carried out aviation and ordnance experiments with ex-German war vessels, turned over to the American Government, in June and July, 1921. While it reached the above conclusion in regard to the ability of aircraft to damage naval vessels, it said that it was difficult to draw conclusions as to the probability of hitting a target with bombs from aircraft *while in action*. In its General Conclusions, it also declared that "the battleship is still the backbone of the fleet and the bulwark of the nation's sea defense, and will so remain so long as the safe navigation of the sea for purpose of trade or transportation is vital to success in war." It likewise said, "The development of aircraft instead of furnishing an economical instrument of war leading to the abolition of the battleship has but added to the complexity of naval warfare."

[50] Bywater, "The Limitation of Naval Armaments," *Atlantic Monthly*, February, 1922. His conclusions, however, were much more extreme than the Joint Board.

[51] *Cf.* Note 49; also Knox, "Bomber versus Battleship," *Army and Navy Journal*, February 25, 1922; also the Report of the General Board of the United States Navy, as in the *Annual Report of the Secretary of the Navy*, 1920, Appendix A. The General Board said: "Types change as advance is made in the mechanical arts and sciences and in invention; but the general principle of concentration of power in ships that can take and keep the sea at all times and in all weathers, that can deliver and receive the heaviest blows and that can overcome the strongest ships that may be brought against them will continue so long as navies exist . . .

"The General Board, having kept in touch with naval progress along all lines, reiterates its belief in the battleships as forming the principal units of the fleet. Without them the United States cannot hope to cope with existing navies."

battleship had already become obsolete. But the Naval Treaty has not stopped competition in aircraft or submarines. It did not even limit their numbers. From the strictly tactical viewpoint, naval competition has not been destroyed. Its objects have been merely changed.[52] Nevertheless, the Washington Conference has crystallized public opinion against armament competition so strongly that it will be very difficult for a nation to embark on a vast aircraft and submarine program in the future.

IX

But the failure of the Washington Conference to limit the construction of aircraft and submarines will not make the naval intervention of the United States in the Orient any more probable. Aircraft and submarines need bases as much as capital ships. And without them they too will be helpless. While the effectiveness of these types of warfare may greatly increase, it is likely that, because of their very nature, they will always remain defensive in character.[53]

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[52] Article IX of the Naval Treaty provided that the powers might use two ships otherwise scrapped, as aircraft carriers. In accordance with this provision, Congressman Hicks introduced a bill (H. R. 10647) to convert two battle cruisers of the 1916 program for this purpose. When converted, they will accommodate eighty airplanes. See *U. S. Air Service*, March, 1922.

[53] Thus it is improbable that submarine and aircraft competition between the United States and Japan will take place, or if it does, that it will make war between them any more decisive. From the debate at the Washington Conference, it would appear that this type of competition would now begin between Great Britain and France. The necessity of removing this possibility was recognized in the negotiations between Lloyd George and M. Briand for the proposed Franco-British Alliance. In an *aide-mémoire* issued by the British Government, January 4, 1922, it was stated: "His Majesty's Government consider the first condition of a true *entente* is the avoidance of naval competition between the two countries. In regard to submarines, they fully understand that the divergence between the French and British views on the subject may be due to different ideas

However, the failure of the Washington Conference to limit the construction of these instruments has still further strengthened the military supremacy of Japan in the Orient. With the aid of unlimited submarine flotillas and aircraft, it will be more easy than ever for her to dominate the defenseless continent at her feet. The failure of the Conference to reduce armies will have the same result. Japan can now throw a million trained men into Asia, but a few hours away.

All of these things are possible from the strictly military and tactical standpoint. But, undoubtedly, the Washington Conference believed that it could obtain guaranties from Japan—likely to be respected—that she would not take advantage of this military supremacy to continue and to increase her imperialistic activities of the past.[54] The success of the Conference in this respect will be discussed throughout the next two chapters.

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of the uses which submarines may serve. British opinion, based on four years of war experience, is that submarines are effective only against merchant ships, and ineffectual otherwise as instruments either of attack or defense. British opinion would inevitably insist on a heavy programme of antisubmarine craft if the French submarine programme were to be carried out, and the two countries would thus be launched on a course of competitive naval construction.

"The British Government cannot disguise the fact that any such development would react very seriously on British sentiment toward France and on French sentiment towards Great Britain. Great Britain's sea communications are to Great Britain what France's eastern frontier is to France. Naval competition in any form between Great Britain and France would corrode good will.

"His Majesty's Government therefore proposes as a condition of the Treaty and *entente* which they contemplate that the Admiralties of the two countries confer together regarding their naval programmes in order that competition in shipbuilding should be avoided between them." Manchester *Guardian Weekly*, January 13, 1922.

[54] *Cf.* Chapters I and II.

CHAPTER VIII

THE DEFEAT OF CHINA

I

As was shown in the first chapter, the Japanese military party had succeeded in establishing its political and economic ascendancy over Manchuria, Shantung, and parts of Siberia by the time that the Washington Conference opened. Obviously, therefore, the purpose of that Conference to restore the political and administrative integrity of China and Siberia and to enforce the Open Door, conflicted with Japan's policies in the past and its intentions for the future.

In an effort to prevent at the outset the Washington Conference from disturbing these gains, the Japanese Foreign Office, in its note of July 27, 1921, to the American Government, declared that "in order to ensure the success of the Conference," questions should not be included in the agenda "such as are of *sole concern to certain particular Powers or such matters that may be regarded as accomplished facts.*" These problems should be "scrupulously avoided." In other words, the Japanese Government did not wish the Washington Conference to deal with disputes between Japan and China or between Japan and Siberia which did not technically affect the treaty rights of third powers. This was the Doctrine of Sole Concern. In order to make it sound more plausible, Japan now opened negotiations with China in regard to the retrocession of Shantung, and with the Far Eastern Republic in regard to the evacuation of Siberia.[1] The second doctrine advocated was

[1] See pp. 23, 38.

that of the Accomplished Fact. Japan insisted that, while she was willing to discuss the *future* policy to be followed by foreign powers in Asia, she could not permit her position already established there to be challenged.[2]

At the very beginning of the Conference Japan won a striking victory in the naval settlement which, as we have seen, now makes it impossible for the Western world to obstruct Japanese imperialism by force. Strategically, therefore, the Naval Settlement was a victory for Japanese imperialism. Nevertheless, the American Delegation hoped to limit the intervention of Japan on the Asiatic mainland by the pressure of moral opinion.

Despite the fact that the Naval Treaty worked to the interests of the Japanese military party, Japan's adherence to it led many people to believe that the Japanese were as "liberal" and as peace-loving as any other people. American opinion could visualize the matter of disarmament which meant the saving of millions of dollars; they could visualize the scrapping of battleships which meant the destruction of a symbol of war. But the questions in regard to the Far East were immeasurably more obscure. They were far removed from the daily interest of the American citizen, and they were enshrouded in legal complexities which baffled even international lawyers. Consequently, China's position was prejudiced at the outset. Japan had won a moral victory by agreeing to disarm. She was now to win other victories with American opinion by agreeing to broad declarations, expressing sympathy with China's plight, and also by making promises as to future conduct. Finally, she was to make minor concessions in order to win greater gains elsewhere. If China should refuse to be satisfied with these declarations; if she should insist on secur-

[2] For the insistence of the Japanese press on the doctrine of the Accomplished Fact, see the quotations in the New York *World*, Conference supplement, November 6, 1921.

ing ends which the public regarded as unimportant; if, for example, she should refuse to negotiate directly with Japan over Shantung, American opinion would probably become impatient, and assume the attitude that China was really obtaining a good deal; that she was in no position to demand everything; that she should swallow her pride, and not go about, as a touchy old woman, complaining to every passer-by of imaginary wrongs. Thus at the start, circumstances favored the Japanese position.

II

Recognizing the handicaps under which they were placed, the Chinese Delegation came to realize that they would be fortunate if they could achieve the following ends: (1) tariff autonomy; (2) the return of Shantung; (3) the cancellation of the Twenty-One Demands.

(1) *Tariff Autonomy.*—Unlike other nations, China does not have full control over the administration or even the rates of the customs duties levied on the exportation or importation of foreign goods.[3] Beginning with the Treaty of Nanking in 1842, China has been forced by foreign powers not to charge more than 5 per cent *ad valorem* on goods coming in or going out of the country. At the time these treaties were made, it was understood that the price schedules upon which this 5 per cent was levied should be con-

[3] The Inspector-General of the Chinese Customs, according to the Agreement of 1906, is always a British citizen as long as British trade exceeds that of any other State. This official directs the customs house in all treaty ports, i.e., ports where foreigners are allowed to trade; and also appoints the personnel. The Chief Commissioner of the Custom House in each treaty port is also usually a foreigner. There are some forty-seven Custom Houses in China employing a service of 7,500, of whom 2,000 are foreigners. Cheng, *Modern China*, 204-205; Willoughby, *Foreign Rights and Interests in China*, Chapter III, "Foreign Commerce and the Rights of Foreign Merchants in China"; also China *Year Book*, 1921-1922, Chapter XXIX.

stantly modified according to the rise and fall of actual prices. But despite this understanding there was no tariff revision between 1858 and 1902, and between 1902 and 1918. Meanwhile, prices have continually increased, and as a result China has failed to collect an actual 5 per cent on the value of importations, losing in the aggregate $300,000,000.[4] Since the last price revision in 1918, prices had increased to such an extent that at the time the Washington Conference opened, China was receiving only an effective 3½ per cent duty on importations.

The question of tariffs was complicated by the likin tax: a 2½ per cent internal tax on the transit of goods from one province to another, which made a total of at least 7½ per cent duty on foreign goods. If it were possible to do so, the central government would gain politically by the abolition of this tax, because at present it furnishes a source of revenue for military governors and generals responsible for China's disorganization. In 1902, Great Britain and China, and in 1903, the United States, Japan and China, signed treaties whereby a customs rate on imports of 12½ per cent was contemplated provided China would abolish the likin tax.[5] But as China so far had not abolished the likin tax, the increase had never become effective; and the revenue from the customs was becoming progressively lower because prices were continually rising.

The foreign control of tariffs, imposed on China by force, is obviously an infringement of sovereignty. The low rate of 5 per cent has been imposed on China by foreign powers not to protect any legitimate interests in China, as does extraterritoriality, but merely in order that their manufactures may be dumped into China without the payment

[4] Statement of Dr. Philip Tyau. New York *Times*, December 6, 1921.

[5] For these treaties, see MacMurray, *Treaties and Agreements with and concerning China*, 345, 425, 426, 411.

of the duty required in other countries. All of the powers who have forced China to agree to this 5 per cent duty, themselves impose tariffs on imported goods ranging often from 25 per cent to 100 per cent. The lack of tariff autonomy deprives China of one of the most easily collected and surest sources of revenue without which the creation of a strong central government is impossible. It increases the dependence of China on foreign loans and therefore prolongs foreign influence and control. It prevents the use of the tariff, because of the flat 5 per cent rate, in taxing luxuries more heavily than necessities, in helping infant industries establish themselves, and in making reciprocity agreements with foreign nations.

(2) *The Return of Shantung.*—In the second place, China desired the surrender of the former German leasehold of Kiaochow, now held by Japan, and also the economic control of the whole province of Shantung which had resulted from this lease.[6] Although the American public firmly supported China's demand that Japan return the territory promised to her three years ago, yet here also it was not in a position to understand the complexity of the question. And the Chinese Delegation found themselves in danger of antagonizing American opinion by insisting on what the general public would call quibbling, but what the Chinese—and the Japanese for that matter—knew to be of vital importance. Doubtless, many people wondered why China should be so sensitive over the question of direct negotiations with Japan. But the Chinese stood out against this form of negotiation and in favor of placing the Shantung question before the Conference as a whole, because direct negotiations would be an admission of the validity of Japan's claim to Shantung which neither the United States nor China had recognized. Moreover, in direct negotiations Japan would insist on the retention of economic

[6] For the facts in this case, see p. 19.

privileges which would mean in reality retention of political control. Most important of all, the recognition of the principle of direct negotiation was likely to establish permanently Japan's claim that all disputes between Japan and the other nations of the Orient did not concern the Western world in any way.

(3) *The Cancellation of the Twenty-One Demands.*—The third great objective of the Chinese Delegation was the cancellation of the treaties of 1915 which had arisen out of the infamous Twenty-One Demands made on China by Japan. The history of these demands has been summarized elsewhere.[7] They were imposed in 1915 amidst the greatest secrecy.[8] When the original demands finally did become known, it was found that Japan had virtually demanded a protectorate over China. The only protest which came from the United States was contained in a note of May 13, 1915, addressed to both the Chinese and Japanese Governments, in which the American Government stated that it could not "recognize any agreement or understanding which has been entered into or which may be entered into between the Governments of China and Japan impairing the treaty rights of the United States and its citizens in China, the political or territorial integrity to the Republic of China, or the international policy relative to China commonly known as the Open Door policy."[9]

Obviously, the cancellation of the treaties and agreements of May 25, 1915, which arose out of these demands was necessary before the Chinese Republic could hope to regain its sovereignty. Morally, the cancellation of these treaties stood on firm ground, because they had been forced on China by duress, at a time when both powers were supposedly at peace with each other.

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[7] See p. 10.
[8] For the two sets of demands, see MacMurray, *op. cit.*, 1231-1237.
[9] *Ibid.*, 1236.

As a matter of fact, China's desire for the cancellation of the Twenty-One Demands reduced itself to the question of Manchuria. Shantung had become a separate problem. Although Group V was still pending, Japan would surely not attempt to reimpose these demands on China because of the attitude of the United States. The remaining demands chiefly involved Manchuria. Consequently, the third great object of the Chinese Delegation at Washington was the termination of the leases of Port Arthur and Dairen, and also of the South Manchurian Railway on the date at which they originally should have expired.

III

Although the American Delegation presumably sympathized with every effort made by China to restore her political and administrative sovereignty, it did not lay before the Conference a carefully thought out and widesweeping plan for the clarification of the Far Eastern muddle. It may have been that the American Delegation had no such plan. But even if it had worked one out, it could not place it before the Conference as it had the plan for the limitation of armaments. It was all very well for the United States to propose a sweeping reduction of navies. But if it should propose a startling revision of the "vested rights" of foreign powers in the Far East, it would immediately come into conflict with interests which the Japanese military party considered *fundamental*. If Mr. Hughes had attempted to enforce a preëmptory challenge asking Japan to evacuate her troops from Asia and to give up her privileges there, he would have had a war on his hands: the Japanese military party will fight before it will disgorge.

Although the American Delegation consequently did not take the initiative in regard to the Far Eastern settlement, it supposedly used the Chinese Delegation as a mouthpiece

in presenting Ten Principles to the Conference, designed to bring about a millennium in the Orient. At the first session of the Committee on Pacific and Far Eastern Questions, held November 16, the following resolutions were introduced by the Chinese:

China's Ten Principles

1. (*a*) The powers engage to respect and observe the territorial integrity and political and administrative independence of the Chinese Republic. (*b*) China upon her part is prepared to give an undertaking not to alienate or lease any portion of her territory or littoral to any power.

2. China, being in full accord with the principle of the so-called Open Door, or equal opportunity for the commerce and industry of all nations having treaty relations with China, is prepared to accept and apply it in all parts of the Chinese Republic without exception.

3. With a view to strengthening mutual confidence and maintaining peace in the Pacific and the Far East the powers agree not to conclude between themselves any treaty or agreement directly affecting China or the general peace in these regions without previously notifying China and giving to her an opportunity to participate.

4. All special rights, privileges, immunities or commitments, whatever their character or contractual basis, claimed by any of the powers in or relating to China, are to be declared, and all such or future claims not so made known are to be deemed null and void. The rights, privileges, immunities and commitments, now known or to be declared, are to be examined with a view to determining their scope and validity and, if valid, to harmonize them with one another and with the principles declared by this Conference.

5. Immediately, or as soon as circumstances will permit, existing limitations upon China's political, jurisdictional, and administrative freedom of action are to be removed.

6. Reasonable, definite terms of duration are to be attached to China's present commitments which are without time limits.

7. In the interpretation of instruments granting special rights or privileges, the well-established principle of construction that such grants shall be strictly construed in favor of the grantors, is to be observed.

8. China's rights as a neutral are to be fully respected in future wars to which she is not a party.

9. Provision is to be made for the peaceful settlement of international disputes in the Pacific and the Far East.

10. Provision is to be made for future conferences to be held from time to time for the discussion of international questions relative to the Pacific and the Far East, as a basis for the determination of common policies of the signatory powers in relation thereto.

The actual adoption of these Principles, which called for the "administrative" as well as the "political independence" of the Chinese Republic, would have had a far-sweeping effect. Articles 4 and 6, the crux of the whole Ten Principles, would have probably invaded the "vested rights" of foreign powers. Article 5 would have given China tariff autonomy and would have abolished extraterritoriality.[10] Article 3 would have prevented the negotiation of such instruments as the Anglo-Japanese Alliance and the Lansing-Ishii Agreement. Article 8 would have prevented such action as the violation of Chinese neutrality by Japanese in the campaign against Tsingtau in 1914.

Important as these principles were, it is probable that their introduction in this manner was a tactical mistake. They were much too wide in scope to stand any chance of being adopted as a whole.[11] Their introduction opened the way for the Japanese Delegation to adopt one principle of little importance, and then offset it by refusing to agree to a principle which really amounted to something. In other words, it gave the Japanese an opportunity to make concessions which were merely apparent, and use them to bargain for the retention of interests which were material and

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[10] See p. 276.

[11] The Chinese Delegation was criticised by members of the Conference Committee on this point. Mr. Balfour said "the sooner the Committee condescended to details, the sooner would practical results be reached" (462).

real, but which to the general public, seemed of no more importance than the others.

The Japanese Delegation requested a two-days delay before expressing an official opinion in regard to the Ten Principles. Then Baron Kato declared that Japan was "entirely uninfluenced by any policy of territorial aggrandizement in any part of China" and that it adhered "without condition" to the Open Door. Moreover, the Japanese Delegation was willing to agree to principles which would "guide the *future* actions of the nations." But at the same time it would regret *"undue protraction of the discussions by detailed examination of innumerable minor matters."* The Japanese Delegation was beginning to show its hand.

It is difficult to understand why the American Delegation should now formulate its own principles in regard to China, after urging the Chinese to introduce a set of their own. But on the 21st of November, Mr. Root laid the following four principles before the Committee on Far Eastern Affairs which were unanimously adopted:

The Root Principles

It is the firm intention of the powers attending this conference, hereinafter mentioned, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal:

1. To respect the sovereignty, the independence and the territorial and administrative integrity of China.

2. To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government.

3. To use their influence for the purposes of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

4. To refrain from taking advantage of the present conditions in order to seek special rights or privileges which would

abridge the rights of the subjects or citizens of friendly states and from countenancing action inimical to the security of such states.

These Four Principles are noteworthy, not only because they use the term "China" [12] instead of "Chinese republic," but because they omit all reference to the vested rights of powers in China which Articles 4 and 6 of the Ten Principles had included. In other words, the American Delegation limited its propositions to future application, in accordance with the wishes of the Japanese.

IV

Inasmuch as the Powers had now promised "to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government," it was with some degree of confidence that the Chinese Delegation brought forward its first practical

[12] At the meeting of the Committee on November 19, M. Briand said that the principle of territorial integrity of China had significance, only when the boundaries of China were first determined (448). Mr. Root also believed it desirable to distinguish between China proper and the territories over which China exercised suzerainty. And he said he would be glad to present a resolution dealing with China proper, and that "outlying districts" could be handled later (451). This looked like a concession to Japan's position in Manchuria, but Mr. Koo cut these tactics short by saying, according to the Minutes, "The territories of the Chinese Republic were defined in its Constitution. The Chinese delegation could not discuss any question which might give the impression of attempting to modify the territorial boundaries of China." This is why the word "China" was used (454). Three amendments were made in the original Root resolution; at China's suggestion the motion was limited to the powers at the Conference except China (459); the words "overcoming the difficulties incident to the change from the old and long-continued imperial government," which Mr. Root had placed at the end of Article 2, were stricken out on the ground that it implied a preference for one form of government in favor of another (458); and the words "to use their influence for the purpose of effectually establishing and maintaining," were substituted for Mr. Root's words "To safeguard for the world, so far as it is within our power," the open door, etc. This amendment was made at the suggestion of Mr. Balfour, and greatly strengthened the motion (458).

suggestion for carrying out this resolution: tariff autonomy. On November 22, Senator Underwood brought up the question of tariff increases (463). And the next day, Wellington Koo made a detailed statement to the Conference. He did not ask that the existing administration of maritime customs in China, controlled in part by foreigners, or that the devotion of the proceeds to the liquidation to foreign loans, be changed. But he did ask that "the right to fix and to differentiate the import tariff rates" be restored to China after the lapse of a certain period of time; and he said that China would abolish likin in return for tariff autonomy (472). As an immediate measure of relief, he requested that China be allowed to increase customs duties to 12½ per cent effective. It was estimated that this measure, together with the removal of all other restrictions imposed by foreign nations, would bring in an additional $300,000,000 annually.[13] This request was referred to a Subcommittee on Chinese Fiscal Affairs, headed by Senator Oscar Underwood. In the debates of this Committee, it was reported that the United States was willing to grant China the 12½ per cent increase in duties at once,[14] that Great Britain would grant 7½ per cent, but that Japan was willing only to revise price schedules so as to bring the Chinese tariff up to 5 per cent effective. Whoever the objecting powers were, they succeeded in defeating the most important request which China made at the Conference. Instead, a compromise plan was reported on January 5, 1922, and later embodied in the Tariff Treaty of February 6, 1922, which contained the following provisions:

1. A Revision Committee at Shanghai shall revise the customs schedule so that the rates of duty shall be equivalent to

[13] *Current History*, December, 1921, 384.

[14] On November 21, before the Committee on Far Eastern Questions, Mr. Root "was much in favor of increasing the tariffs she [China] might charge" (457). Mr. Underwood later said that the tariff should be raised enough to keep China out of debt (473).

5 per cent effective. This revision shall proceed "with a view to its completion within four months" from the conclusion of the Washington Conference—a vague provision indeed.

2. Within three months a Special Conference shall meet in China to "take immediate steps . . . to prepare the way" for the abolition of the likin tax and for raising the tariff to 12½ per cent effective, in accordance with the Treaties of 1902 and 1903. This terminology is also vague.

3. Prior to the abolition of the likin tax, a surtax of 2½ per cent is to be levied, which may be increased to 5 per cent on luxuries. But these surtaxes are to be authorized by the Special Conference, "as from such date, for such purposes, and subject to such conditions as it may determine."

Thus because of the wording of the treaty, there are any number of means by which permanent increases of the Chinese tariffs may be prevented. But even if it be assumed that these changes will come into force within the next six months, the increase in revenue will only be as follows:

Increase to 5 per cent effective	$17,000,000 (silver)
Surtax of 2½ per cent	27,000,000
Surtax not exceeding 5 per cent on luxuries	2,167,000
Total	$46,167,000

Thus the Chinese Delegation asked for increases amounting to $300,000,000, but they obtained only $46,000,000 and there is no certainty that China will receive this amount. The minimum financial needs of China demand an increased revenue of from $100,000,000 to $200,000,000. Forty million dollars are necessary to pay off troops, which is essential before they will consent to be disbanded. The Peking Government has drawn overdrafts on Chinese banks to the extent of between fifty and seventy million dollars.[15] Loans have been contracted, for the most part abroad, totaling $376,000,000. China cannot take the first steps toward the

[15] Woodhead, "China and the Pacific Conference," *Weekly Review of the Far East*, November 12, 1921. See also China *Year Book*, 1921-1922, 256-270 for the fiscal needs of China.

creation of a strong central government, able to suppress military governors now supported in part by Japanese funds and by the likin tax, without an increase in revenue much greater than the Washington Conference allowed. The argument that the present Chinese Government will merely squander the additional funds which may fall into its hands, does not hold water as far as tariff autonomy (about which the Tariff Treaty says absolutely nothing) and tariff increases are concerned. The sums to be derived from the customs are still to be under the control of foreign officials and the proceeds may therefore still be used to pay off foreign loans. China's present foreign-imposed poverty makes the creation of an honest responsible government in the future an improbability. It places China under handicaps which the foreign powers can justify by nothing except cupidity. They could not justify foreign control of tariffs on the same ground that they justified extraterritoriality—namely, the need of protecting foreign lives and property in China. They could justify it only by the desire to dump their own manufactures into China, to keep the Chinese Government dependent on foreign loans, and to prevent the development of Chinese industries. It is not necessary to inquire whether any one Power or whether all of the Western Powers were animated by these motives. Suffice it to say that the refusal to grant China tariff autonomy and to grant increases needed to put her house in order, not only flagrantly violated the Root principles, but also played directly into the hands of the Japanese military party: China will now be forced to borrow more money for political uses and Japan is the only nation willing to lend her funds for that purpose.[16]

[16] On February 1, 1922, the Japanese Delegation made a statement before the Far Eastern Committee to the effect that "Japan not only has no objection to it, but welcomes the proposal that the existing customs system of China should not be disturbed;" and that Japan should be given a larger proportion of foreign nationals to be employed in the customs staff (747).

either side. The Chinese Delegation could not withstand this offer arranged through the good offices of Mr. Balfour and Mr. Hughes, despite the fact that it was a partial recognition that Japan's past claims to Shantung were legally founded and that disputes between Japan and China did not legally concern other powers. Consequently, on November 30, 1921, it was announced that on this basis China had agreed to negotiate with Japan.[19]

This decision raised a storm of protest not only from the Chinese onlookers at Washington, but from Chambers of Commerce, students, and other organizations in China. At Shanghai, more than one hundred and eighty organizations held a "national meeting," on December 8, at which a resolution was passed declaring that the Chinese people could never recognize direct negotiations with Japan. A similar resolution was passed at a mass meeting held in the provincial assembly of Shantung. Ten thousand students in Peking paraded past the Chinese Foreign Office, carrying white banners with the inscription, "Do not negotiate with Japan." So intense and so widespread did the opposition become that on December 9, it was announced that

[19] On November 30, the Chinese Delegation read this statement before the Committee:

"The Chinese delegation has not solicited or asked for the meeting of the Chinese and Japanese delegations, as the Government and people of China have always hoped to be able to present this very important question to the consideration of the Conference, not with any desire to add to the labors of the Conference or to embarrass any delegation interested in this question, but merely in the hope of obtaining a fair and just settlement. The Chinese Government, however, deeply appreciates the friendly sympathy and interest which Mr. Hughes and Mr. Balfour, representing two great powers equally friendly to China and Japan, have manifested in offering their good offices, and the Chinese delegation, therefore, have the pleasure of accepting the kind offer, of course in the hope that a fair and just settlement may be soon reached and reported to the Conference, and without qualifying its freedom to seek other methods of settlement in the unhappy event of inability to reach an agreement for a fair and just settlement" (527).

Hereafter the Chinese spoke of these negotiations as "direct conversations."

Wellington Koo, Alfred Sze and Wang Chung-hui, the three Chinese delegates at Washington, had tendered their resignations,[20] which the Peking Government, however, refused to accept.

For several weeks, the Japanese haggled over minor matters involved in the Shantung Settlement, most of which had been agreed on in previous negotiations.[21] The two real issues at stake were, first, the disposition of the property held by individual Japanese in Tsingtau which had been taken from Chinese and Germans during the war by duress. Even if the leasehold should be handed back to China, the Japanese would still remain in control, provided these "vested rights" were left undisturbed. Secondly, the control of the Shantung (Tsingtau-Tsinan) Railroad. If the Japanese retained the management of this road and nothing else, they would control the greater part of Shantung as a glance at the map will show.

The discussion of these questions, so far as the public was concerned, centered around the railroad question. Japan was now willing to sell the road to China, but only on condition that it be placed under joint control, which, as the history of Chinese railroads has proved, meant management by Japanese. Morally, the road did not belong to Japan to sell. It had been built by Germany; and the German rights in Shantung were held by the Chinese and apparently by the United States, not to be transferable.[22] Nevertheless, the Reparations Commission had given Germany a credit of 53,000,000 gold marks ($32,000,000 silver dollars) on the reparations account for the road. Consequently, the Japanese Delegation demanded that China pay this sum to Japan, although it was certainly a larger share

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[20] See their statement, *Weekly Review of the Far East*, December 17, 1921. Also Philadelphia *Public Ledger*, December 10, 1921.

[21] For the facts in this controversy, see p. 19.

[22] See p. 24.

of the indemnity than Japan was entitled to. Despite such a hold-up, China agreed to purchase the road on December 14, and what was most surprising of all to the Japanese, China offered to pay cash, provided the Japanese relinquish their control. The Japanese Delegation refused to accept these conditions nominally on the ground that China could not raise the cash[23] and that the road would be mismanaged unless under the direction of Japanese experts. The two Delegations were now to argue for a week over the methods of paying for the road. The Japanese demanded that China borrow the money from Japan, payable in a period of twenty years. In the meantime, the road should be controlled by a Japanese traffic manager, chief engineer, and chief accountant, ostensibly to see that the revenues from the roads be used for paying interest on the loans. China refused this offer, but then agreed to pay for the road in Chinese treasury notes, the payment of which would be extended over a period of twelve years. In the meantime, China would agree to an assistant traffic manager, chief engineer, and chief accountant. These conditions were again rejected by the Japanese who for some reason now changed their former position, and agreed tentatively to accept cash for the railroad. They asked that the Chinese Government should deposit 32,000,000 Chinese dollars in a neutral bank before the transfer of the road could take place. The Chinese said that this was impossible but that

[23] Undoubtedly China could have raised the money to pay for the road immediately, because of the great sentiment in the country over the Shantung Question. The Prime Minister and President of the Republic, and General Chang Tso-lin promised $8,000,000; and $10,000,000 was pledged at a mass meeting in Peking in January, 1922, of representatives of the United Chambers of Commerce, the Educational Association of the Capital, the Chamber of Agriculture, and other popular bodies. At that time a plan was made to circularize the whole country. On January 14, 1922, the Chinese Ministry of Communications also sent out a circular telegram asking the people to buy bonds with which to pay for the road. See Yu, "Redemption of the Shantung Railway with Chinese Money," *Weekly Review of the Far East*, January 28, 1922.

they would be able to make deposits every three months during the nine months before the road was to be turned back. But the Japanese refused to accept periodic payments and the meetings of the two Delegations and the American and British "observers," adjourned *sine die* on December 20, 1921.[24] The Shantung Question had again ended in a deadlock.

Following their tactics at the Peace Conference, the Japanese now went over the heads of the Chinese Delegation at Washington, and appealed to the Government at Peking. On December 19, General Chang Tso-lin, the military dictator of Manchuria, whose pro-Japanese sympathies have been unconcealed,[25] entered Peking and forced the existing Cabinet into resignation. In its place, Chang set up a government headed by Liang Shi-yi, whose attitude toward the Japanese was at once shown by granting an amnesty to the five Anfu leaders who had done so much during the war to place China at the mercy of Tokyo.[26] Whatever Chang's purpose might have been in setting up a new government, a new opportunity was now given Japan to attempt to gain the consent of what might prove to be a corrupt home government, to the terms it was demanding at Washington in regard to Shantung. Chang Tso-lin entered into conferences with Mr. Obata, the Japanese Minister at Peking, and negotiations ensued which the Japanese Delegation at Washington admitted were taking place, if only in an "informal" manner.[27] These *dé-*

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[24] See the statement of one of the Chinese delegates, New York *Times*, December 21, 1921.

[25] See p. 47.

[26] See Yu, "Political Changes in Peking," *Weekly Review of the Far East*, December 31, 1921.

[27] See Mr. Merz' article, New York *World*, January 8, 1922. It was reported (Japan *Weekly Chronicle*, January 12, 1922) that the Liang Cabinet had instructed the Chinese Delegation to accede to the Japanese demands, in return for a new loan from Japan. But I could find nothing at Washington to substantiate this report.

marches, however, proved unsuccessful, largely because of the popular outbursts of Chinese opinion against the Japanese demands and also the ultimatum of General Wu Pei-fu demanding that Liang resign.

Perhaps in the hope that the Chinese Delegation would now modify its views, the Japanese entered into negotiations again on the Shantung Question on January 5, 1922. At the sessions of January 5 and 6, the Chinese agreed to pay for the road in one sum. Or, as a second alternative, they agreed to make a deferred payment for the road either in treasury notes or notes of the Chinese Bankers' Union, secured upon the railway properties, and extending over a period of twelve years, with the right to pay all outstanding liabilities after three years and a half. They also agreed to accept a Japanese district engineer during this period. Neither of these plans was acceptable to the Japanese who insisted on a regular railway loan, running for fifteen years, but redeemable at the end of five and one-half years, and also on the employment of a Japanese traffic manager and chief accountant. A second deadlock had arisen; and on January 6, the twentieth meeting of the Chinese and Japanese adjourned *sine die*.

The Conference was drawing to a close, as the details in regard to the Naval Treaty were being cleared up. Yet the Shantung Question had not been settled. The one remaining hope was the reference of the matter to the Conference as a whole. But this suggestion was also vetoed by Mr. Hanihara, one of the Japanese delegates, who declared that the Conference "was not a court of arbitration, and moreover, Shantung is not on the agenda."[28]

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[28] According to the *Trans-Pacific-China Press News Service*, "Mr. Hanihara asserted that if China brings up the Shantung Question before the full Conference, Japan will withdraw the concessions already made and will insist upon the holding of the railway in accordance with the terms of the Versailles Treaty." Quoted, *Weekly Review of the Far East*, January 14, 1922.

On the 20th of January, the Conference was startled by the introduction of a resolution in the Senate by Senator Walsh, calling on the President for information as to the steps taken to solve the problem of Shantung. The President of the United States and the Japanese Delegation now realized that the Senate would never ratify the naval treaties if the Shantung Question should not be solved. To that body Shantung had become a passion, although it was comparatively indifferent to the far more important questions of Manchuria and Siberia.

Realizing this fact, the Japanese agreed to come to terms in regard to Shantung, but only after they had received some form of assurance that no pressure would be placed upon them in regard to Manchuria and Siberia.[29] As a result, they gave up, in theory, their demand that China negotiate a loan for the payment of the railroad; and they also gave up, in theory, their right to control the road after a period of years. The American Delegation now exerted pressure on the Chinese to accept a compromise, on the ground that the differences separating them from the Japanese were "infinitesimal." Such they appeared to be to the average newspaper reader, but actually the control of the Shantung Railroad, and therefore, of the province, was involved. But the Chinese realized that they could not wreck the Conference on what the general public would consider quibbling. Consequently, they gave in.

In the Shantung Treaty, announced February 1, 1922, the Shantung Railway was disposed of as follows: Japan agrees to transfer the road to China within nine months in return for 32,000,000 silver dollars. Simultaneously with the transfer of the road, China is to deliver to Japan Chinese Government Treasury notes, secured by the property and revenue of the railroad, running for fifteen years, but redeemable after five years. Pending the redemption

[29] See pp. 264, 272.

of these notes, China is to employ a Japanese traffic manager and a Japanese chief accountant, the latter to work in coördination with a Chinese chief accountant. An "understanding" accompanies the Treaty, in which the right of China is recognized to remove the present Japanese employees, to appoint the subordinate staffs of the Japanese traffic manager and chief accountant, and to appoint an Assistant Chinese traffic manager after two and a half years, or after notice of redemption of the notes has been made.

Thus China is not obliged actually to borrow money from Japan: she pays for the railroad on the installment plan, but holds the title from the beginning. Nevertheless, the agreement was not satisfactory because China is not permitted to buy the road outright as she offered to do. The Japanese realized that because of the great popular sentiment in China now over the Shantung Question, there would be no difficulty in raising cash to make this payment. But they believed that at the end of five years, this sentiment will have died out; that China will then be so impoverished that she will never be able to pay off these Treasury notes, and that the control of the road will therefore remain indefinitely in the hands of the Japanese officials in whose hands the road is virtually placed pending the redemption of these notes.[30]

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[30] This likelihood is increased by the eighth "understanding" which provides that the redemption of the Treasury notes will not be effected with funds raised from any source than Chinese.

Japan has found another loophole in Article V, section 1, of the Shantung Treaty, which provides that in addition to the 32,000,000 silver dollars China must pay for the original Tsingtau-Tsinan Railway, she must also pay for the amount actually expended by Japan "for permanent improvements on or additions to the said properties, less a suitable allowance for depreciation." By virtue of this clause, it is reported that Japan is now claiming a total payment of $168,000,000 from China, instead of the $32,000,000—a sum five times as large as the amount invested by Germany in the construction of the road. New York *Evening Post*, April 13, 1922.

Moreover, the Shantung Treaty was unsatisfactory in the manner in which it dealt with the "vested rights" of Japanese citizens in Kiaochow. Article VIII declared that "the vested rights lawfully and equitably acquired by foreign nationals in said area, whether under the German régime or during the Japanese military occupation, will be respected." But the validity of these rights is to be determined in the future by a joint Sino-Japanese Commission, holding sessions far away from the influence of Western "observers." The chief advantage of the Shantung Treaty is that it sets a definite date by which the leasehold must be turned over to the Chinese. It must be transferred and the Japanese troops must be withdrawn within six months; and the Shantung Railroad must be transferred within nine months after the coming into force of the Treaty.[31] Thus Japan agreed to keep a promise made at Paris three years ago and at Tsingtau seven years ago. But even now there is a strong possibility that the economic control of the territory concerned will remain indefinitely in Japanese hands—and certainly for the next five years.

[31] The Shantung Treaty also provided: (1) that the public property in the leasehold shall be turned over to the Chinese; (2) that the Customs House at Tsingtau shall be made an integral part of the Chinese Customs; (3) that certain railway extensions in the province shall be financed by an international financial group, instead of Japanese capital alone; (4) that certain mines shall be exploited by a joint Sino-Japanese company; (5) that the former leased territory shall be thrown open to foreigners; (6) that China shall have the right to buy up Japanese companies engaged in the salt industry; (7) that Japan shall transfer to China the former German submarine cables between Tsingtau and Chefoo, and between Tsingtau and Shanghai. (8) that Japan shall also transfer to China her wireless stations at Tsingtau and Tsinanfu. The details in regard to these various changes are to be worked out by joint Sino-Japanese commissions, which China has learned to fear. For the text of the treaty and the "understandings" which accompanied, see Appendix II.

VI

When the Japanese Delegation came to the Washington Conference, it fully recognized that it must surrender Shantung. Yet it delayed this action for nearly two months and for thirty-six meetings, not only in order to retain certain economic privileges, but to use this "concession" in Shantung to strengthen Japan's hold elsewhere, notably in Manchuria. In other words, Japan informed the Conference that she would hold up the Shantung settlement until assurances were given that her interests in Manchuria, and also in Siberia, would remain undisturbed.

Nevertheless, the Chinese Delegation was determined, as its third great objective, to secure the return of Manchuria to China and also the cancellation of the Twenty-One Demands upon which Japan's special position in Manchuria was based.[32] A ray of encouragement came in the statement of Baron Kato, that Japan regarded Manchuria as an integral part of China, to which the Root principles also presumably applied.[33] Neither Manchuria nor the Twenty-one Demands as such were on the agenda. Consequently, the Chinese were obliged to introduce the subject indirectly. On November 28 and 29, Dr. Sze, the Chinese Minister at Washington and a Chinese delegate, proposed to the Committee on Far Eastern Questions that all unauthorized

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[32] See pp. 249, 250.

[33] From the first, Great Britain has considered Manchuria to be a part of China, the integrity of which she has promised to defend. This question came up in the House of Lords, February 13, 1902. In reply to it, the Marquis of Lansdowne said, "So far as His Majesty's Government are concerned, we have never doubted that Manchuria formed part of the Chinese Empire, and the reference to the territorial integrity of the Chinese Empire which is contained in the treaty must, therefore, be taken as referring to Manchuria as well as to other parts of the Chinese Empire." *Parliamentary Debates*, February 13, 1902, cii, 1179, 1180.

foreign troops, police, and foreign telegraph and wireless systems be withdrawn from Chinese soil. Some 10,000 troops are stationed in China, of which 4500 are Japanese. There are also 1861 Japanese police in Manchuria.[34] Regardless of the pretexts by which these troops and police have been forced on China, they obviously constitute a "continuing violation of her rights as an independent State." On November 29, Mr. Hanihara replied to the Chinese request for the withdrawal of these troops and police by stating that, although Japan was willing to withdraw her troops from China proper as soon as "actual conditions warrant," "it was not possible for Japan to forego the right, or rather the duty, of maintaining railway guards in Manchuria, whose presence is duly recognized by Treaty."

[34] The Japanese claimed a right to maintain their own police and jails in Manchuria, and also in Fukien, as an incident to the right of extraterritoriality. See p. 276. But no other nation has claimed this right, and it has never been expressly granted by treaty. In fact, in the Treaty of 1915, which gave Japanese subjects the right to trade and reside in Manchuria, it was expressly provided that they should submit themselves "to the police laws and ordinances and taxation of China." Yet, despite this provision, the Japanese have stationed police throughout South Manchuria, and their numbers are apparently increasing. Instead of suppressing crime among the Japanese, they have actually defended them against punishment by the Chinese authorities. See Willoughby, *Foreign Rights and Interests in China*, 80-87. Mr. Hanihara asserted that the Japanese troops were maintained in the Manchurian Railway zone in accordance with the Treaty of Peking of 1905 (Additional Agreement, Article II). This is what this article said: "In view of the earnest desire expressed by the Imperial Chinese Government to have the Japanese and Russian troops and railway guards in Manchuria withdrawn as soon as possible, and in order to meet this desire, the Imperial Japanese Government, in the event of Russia agreeing to the withdrawal of her railway guards, or in case other proper measures are agreed to between China and Russia, consent to take similar steps accordingly. When tranquillity shall have been reëstablished in Manchuria and China shall have become herself capable of affording full protection to the lives and property of foreigners, Japan will withdraw her railway guards simultaneously with Russia." Thus Japan had a better claim to maintain these guards than the police; but the treaty is worded in such a manner that Japan can maintain her troops in Manchuria indefinitely. MacMurray, *Treaties and Agreements with and concerning China*, 551; see also 526.

They were stationed there in accordance with treaties and so as to maintain order. As for the Japanese police in Manchuria, Mr. Hanihara asserted that they did not interfere with Chinese citizens and that they prevented crimes among the Japanese—a very old and very poor argument for infringing China's sovereignty, as the last few years have proved.[35] The response of Mr. Hanihara was a warning to the Conference that Japan did not intend to have her position in Manchuria disturbed. All that the Conference was able to do was to pass a resolution which provided that the diplomatic representatives of the powers at Washington in Peking should associate themselves with three representatives of the Chinese Government "to conduct collectively a full and impartial inquiry" into the issues raised in regard to foreign armed forces in China. This body shall prepare a report, "setting out without reservation their findings of fact and their opinion" in regard to the maintenance of these troops and police, which shall be transmitted to each of the Governments concerned. But each power "shall be deemed *free to accept or reject all or any of the findings of fact or opinions expressed in the report.*" [36]

Defeated in its attempts to remove the Japanese troops from Manchuria, the Chinese Delegation now tried another line of attack. On December 3, it asked for "the annulment and an early termination" of all foreign leaseholds in China. These included the British leaseholds of Wei-hai-wei and Kowloon, the first of which was in Shantung province across from Port Arthur and the second of which was opposite Hongkong; the French lease of Kwangchow-wan, opposite the island of Hainan in South China; the Japanese leases of Kiaochow and of Port Arthur and

[35] See p. 17.
[36] Resolution No. 6, see Appendix.

Dairen.[37] Of these leases, those held by Japan were of the most importance, as the harbors of Wei-hai-wei and Kwang-chow-wan are inferior and undeveloped as compared with those at Port Arthur and Dairen. Moreover, the latter

[37] The rights of foreigners in China take the following forms: (1) *Treaty Ports*, of which there are now about seventy-five. These are Chinese ports opened to foreign trade by treaty or imperial decree. Outside of these ports there is no general right to trade and reside, except for missionaries, although in the Treaty of 1915 with China, Japan secured this right for its subjects in South Manchuria. Because of Most-Favored-Nation treaties, this right probably extends to other nationals. (2) Within these treaty ports foreigners reside in areas of two types, the first of which is the *Concession*, ground leased by the Chinese Government to a foreign power, who in turn sublets it to its merchants; (3) and the second of which is the *Settlement*, an area in which foreign merchants may lease land directly from the Chinese Government. In both of these areas the Chinese Government technically retains its sovereignty over Chinese subjects, except that it must notify the Consuls concerned when arresting a Chinese subject there. However, as a rule, the local government of Concessions is carried on by a municipal council elected by foreigners. (4) The *leasehold* differs from the three foregoing foreign rights because by a lease the foreign power gains complete political control over the territory concerned for the period of the lease, the Chinese Government not even retaining the right to govern its own subjects within the lease. Although the title to the territory remains with China, the actual exercise of sovereignty is vested in the foreign power. (Oppenheim, *International Law*, i, 223, second edition.) These leases have, therefore, amounted virtually to annexations of the best ports in China. The Kiaochow lease was forced on China by Germany in the Treaty of 1898, and would have expired in 1997. According to the Treaty of Versailles, this lease was transferred to Japan, and now, according to the Shantung Treaty of 1922, is to be returned to China. The Kwangchow-wan lease, obtained by France in 1898, also will expire in 1997. The Kowloon lease, obtained by Great Britain in the same year, will expire likewise in 1997. The Wei-hai-wei lease, obtained by Britain in 1898, was to endure "for so long a period as Port Arthur shall remain in the occupation of Russia." Although Russia was forced out of Port Arthur by Japan in 1905, Great Britain still remained in Wei-hai-wei, and was there at the time of the opening of the Washington Conference. The lease of Port Arthur and Dairen, obtained by Russia in 1898, was to last only twenty-five years, and would, therefore, have expired in 1923. But by the treaty of May, 1915, Japan exacted an extension or renewal of this lease to ninety-nine years, making it expire in 1997. For the texts of all these lease treaties, consult MacMurray, *Treaties and Agreements with and concerning China*. For a statement concerning treaty ports, concessions, and settlements, see Willoughby, *Foreign Rights and Interests in China, passim*. As to spheres of influence, see p. 281.

The Committee was not to meet again until January 5, 1922.[41]

But the Chinese would not be silenced. On the 19th the Delegation issued a statement to the effect that unless the "Twenty-One Demands are canceled, the principles adopted by the Conference are nothing more than a scrap of paper."[42] A few days later the Japanese also asserted that they would "formerly oppose" any discussion of the validity of the Demands if the Chinese brought them before the Conference again.[43]

In the meantime, the Japanese once more showed their attitude toward Manchuria in the discussion of the Balfour Resolution, introduced on January 24, 1922, which pledged the powers to prohibit the exportation of arms to China, including "all concessions, settlements and leased territories," until a government is established there whose authority is recognized throughout the country. In regard to this resolution, Baron Shidehara asserted that "as long as Japan was in occupation of Port Arthur it would be impossible for her to undertake restriction of the despatch of arms thither." This and the Italian reservation defeated the whole purpose of the resolution because nationals of these two nations had been the chief offenders in the past in supplying Chinese and Siberian brigands with arms. For this and other reasons, the Balfour Resolution was withdrawn.[44]

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[41] The only reason given by the Official Communique for this adjournment was that the time of the delegates was occupied with the Shantung and Naval Questions.

[42] Kokusai dispatch, Japan *Weekly Chronicle*, December 20, 1921.

[43] Reuter dispatch, *Weekly Review of the Far East*, December 31, 1921.

[44] On April 8, 1919, the American Minister at Peking proposed that the powers impose an arms embargo on China. And after some negotiations, the governments of Great Britain, Spain, Portugal, the United States, Russia, Brazil, France and Japan agreed so to do. But Italy endorsed this agreement with the reservation that shipments already contracted for and *en route* might be delivered. See

The adjournment of the Committee on Far Eastern Questions on December 14, just when the Twenty-One Demands were introduced, gave rise to the rumor that the American Delegation had promised the Japanese to exclude the Demands definitely from the Conference. Some such promise may have been made. But because of outside pressure it was necessary to take some formal notice of them. At the Committee meeting of January 16, Mr. Hughes casually suggested that the question of the Twenty-One

China *Year Book*, 1921-1922, 530. The final Arms Embargo agreement came into effect on May 5, 1919, but apparently was never enforced, else the Washington Conference need not have taken the subject up. The Italian reservation made the enforcement of this Agreement impossible, since under it evasions could not be discerned. In the fall of 1921, Italian troops at Shanhaikwai supplied, it is alleged, arms to Chinese troops under General Tsao Kun, and when questioned in regard to the subject, the Italian Minister at Peking said he had no information in regard to the matter. See Japan *Weekly Chronicle*, December 8, 1921. The Italian Delegation insisted at the Washington Conference on referring the subject of an Arms Embargo back to the home government for instructions (733). At the meeting of the Far Eastern Committee, on January 31, 1922, when the Arms Embargo Agreement was again brought up, the Italian Delegation said that it had received instructions to adhere to the agreement but with the same reservation as was made in 1919 (737). At this, Mr. Hanihara said the Japanese Delegation desired time for further discussion of the matter. On February 1, Mr. Hanihara reported that in view of the Italian reservation, the Japanese must reserve the right to carry out private arms contracts, made before January, 1919. The question then arose, whether the Italian reservation covered contracts made up to the Arms Agreement of 1919, or up to 1922. As Mr. Schanzer said he would have to refer this matter also to the Italian Government, it was decided to withdraw the Agreement (744). This proposed Agreement supplemented the St. Germain Convention for the Control of Trade in Arms and Ammunition, September 10, 1919; see *American Journal of International Law*, supplement, October, 1921, 297, which prohibited unrestricted export of arms to Africa, the Turkish Empire, Persia, etc. Congress passed S. J. R. No. 124, approved January 31, 1922, which authorized the President of the United States to make unlawful the exportation, except under such limitations as he may lay down, of any arms or munitions to "any American country," or "any country in which the United States exercises extraterritorial jurisdiction," in which conditions of domestic violence exist. By virtue of this Resolution, the President issued a proclamation (No. 1621) on March 4, 1922, prohibiting such exportation to China, subject to such exceptions laid down by the Secretary of State.

Demands and the spheres of influence should be postponed until after the Shantung Question had been settled.

This settlement was finally announced on February 1, 1922. But as the Conference had already lasted fully a month longer than the Delegations had expected, everybody wished to hurry home. It had become impossible for the American Delegation to hold them long enough seriously to consider the remaining questions on the agenda. But Mr. Hughes was on record to the effect that these bothersome demands would be placed before the Conference. Consequently, after reaching some sort of an agreement with the Japanese Delegation, he announced at the meeting of the Far Eastern Committee of February 2, that "an opportunity had been reserved" for the Japanese to make a statement. Baron Shidehara thereupon arose and declared that the validity of the treaties and notes of May, 1915, could not be questioned. He went on to say that "if it should once be recognized that rights solemnly granted by treaty may be revoked at any time on the ground that they were conceded against the spontaneous will of the grantor, an exceedingly dangerous precedent will be established, with far-reaching consequences upon the stability of the existing international relations in Asia, in Europe and everywhere." Consequently, the Japanese Delegation could not agree to the statement of the Chinese Delegation of December 14 asking that these treaties be canceled. Furthermore, it could not "bring itself to the conclusion that any useful purpose will be served by research and reëxamination at this conference of old grievances which one of the nations here may have against another."

However, in view of changed conditions, Japan was willing to make these modifications in the Twenty-One Demands and the treaties which had arisen out of them:

I. Japan is ready to throw open to the joint activity of the international financial consortium recently organized, the right

of option granted exclusively in favor of Japanese capital, with regard, first, to loans for the construction of railways in South Manchuria and Eastern Inner Mongolia; and second, to loans to be secured on taxes in that region; it being understood that nothing in the present declaration shall be held to imply any modification or annulment of the understanding recorded in the officially announced notes and memoranda which were exchanged among the Governments of the countries represented in the consortium and also among the national financial groups composing the consortium in relation to the scope of the joint activity of that organization.[45]

This was a "concession" which had already been made when Japan entered the consortium in 1920.[46] To introduce it to the Conference as a new concession was simply misrepresentation.

II. Japan has no intention of insisting on her preferential right under the Sino-Japanese arrangements in question concerning the engagement by China of Japanese advisers or instructors on political, financial, military or police matters in South Manchuria.

This promise as to the future was also of little value inasmuch as these "matters" are already controlled by Japanese merchants and police.

III. Japan is further ready to withdraw the reservation which she made, in proceeding to the signature of the Sino-Japanese Treaties and notes of 1915, to the effect that Group V of the original proposals of the Japanese Government would be postponed for future negotiations.

This surrender of Japan's claim to a suzerainty over China may have some theoretical value; but whether Group V should be withdrawn or not, it is inconceivable that Japan could in the future enforce these demands on China, in view of present world opinion.

Such were the "concessions" made by Japan. But in making them, she insisted on the sacred validity of treaties

[45] See p. 14. [46] See p. 16.

exacted under duress, which gave her an absolute hold on Manchuria until the leases expire in 1997.

The next day, and also at the Sixth Plenary Session of the Conference, a statement of the Chinese Delegation was read which, while recognizing the concessions now made by Japan, regretted that she had not renounced the other claims based on these Treaties. The Chinese delegation was of the opinion that these Treaties should "form the subject of impartial examination with a view to their abrogation," for four reasons:

1. In exchange for the concessions demanded of China, Japan offered no *quid pro quo*. The benefits derived from the agreements were wholly unilateral.
2. The agreements, in important respects, are in violation of treaties between China and the other powers.
3. The agreements are inconsistent with the principles relating to China which have been adopted by the Conference.
4. The agreements have engendered constant misunderstandings between China and Japan, and, if not abrogated, will necessarily tend, in the future, to disturb friendly relations between the two countries, and will thus constitute an obstacle in the way of realizing the purpose for the attainment of which this Conference was convened.

In reply to the assertion that the cancellation of these Treaties, merely on the ground that they were obtained by force, would be a dangerous precedent, the Chinese declared that "a still more dangerous precedent will be established with consequences upon the stability of international relations which cannot be estimated, if, without rebuke or protest from other powers, one nation can obtain from a friendly, but in a military sense, weaker neighbor, and under circumstances, such as attended the negotiations and signing of the Treaties of 1915, valuable concessions which were not in satisfaction of pending controversies and for which no *quid pro quo* was offered." It was also stated that "these treaties and notes stand out, indeed, unique in the

annals of international relations. History records scarcely another instance in which demands of such serious character, as those which Japan presented to China in 1915, have, without even pretense of provocation, been suddenly presented by one nation to another nation with which it was at the time in friendly relations."[47]

Mr. Hughes then read the American note of May 13, 1915, protesting against these demands, and also asserted that the United States would claim all rights for Americans which China had granted to Japanese nationals in Manchuria, under the Most-Favored-Nation Clause. Lest this claim should be interpreted as a recognition of the treaties granting these rights to Japanese, Mr. Hughes declared that the "question of the validity of treaties as between Japan and China is distinct from the question of the treaty rights of the United States under its treaties with China."

After the Chinese had "reserved their right to seek a solution on all future appropriate occasions concerning those portions of the treaties and notes of 1915 which did not appear to have been expressly relinquished by the Japanese Government," and after the three statements of Japan, China, and the United States had been spread upon the records of the Plenary Session of February 4, 1922, the Twenty-One Demands were dropped. Japan's position in Manchuria is as secure as ever. The Conference as a whole had failed to challenge the Japanese position. By its inaction it established a precedent for the future.[48]

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[47] The Japanese doubtless were on sound ground when they declared that the mere fact that a treaty was obtained by force did not invalidate it. This is an instance where international law lags behind personal morality. Yet even this rule probably only applies to treaties exacted as the result of a war. And in case of the treaties of May, 1915, there had been no war to justify their imposition. *Cf.* Westlake, *International Law*, i, 290.

[48] For the international doctrine concerning the legal acquisition of territory by prescription, see Oppenheim, *International Law*, i, 308-311.

Such was the defeat of China: a tariff increase is granted to her, but it is insufficient to meet her elementary needs. Shantung is returned to her, but the economic control of the province will remain in Japanese hands for five years at least, and perhaps indefinitely. As for Manchuria, it is irretrievably lost so far as diplomacy is concerned.

VII

Of less importance than the foregoing demands was that calling for the abolition of extraterritoriality—or the right of foreigners in China, to be tried in their own and not in Chinese courts.[49] When China first granted this right in 1844, she believed it beneath her dignity to permit foreigners to use her own courts. On the other hand, foreign nations refused to permit their subjects to be tried by Chinese courts because China had no code embodying the principles of Western justice, and because she employed methods of punishment considered inhuman by the outside world.[50]

When this right was first granted, there were only five

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[49] Under the system of extraterritoriality, (1) all controversies in which no foreigners are involved, are tried in Chinese courts according to Chinese law, (2) controversies between two or more nationals of the same Treaty Power are tried in the consular courts of that power; Chinese police may make the arrest, but the offender must be turned over to the foreign court concerned, (3) controversies between nationals of different powers are heard, not by Chinese courts, but by foreign laws and authorities, as determined by agreements between the states concerned, (4) controversies between Chinese and foreigners are determined by the tribunals of the defendant and the law of his country is applied. This is true no matter where the offense occurs, whether inland or at a treaty port. For the American and English system of courts in China, see Willoughby, *Foreign Rights and Interests in China*, 28 ff.

[50] The countries that have such treaty rights in China are Belgium, Brazil, Denmark, France, Great Britain, Italy, Japan, Mexico, Netherlands, Norway, Peru, Portugal, Russia, Spain, Sweden, and the United States. Germany and Austro-Hungary lost their extraterritorial rights when China declared war in 1917. See China *Year Book*, 1921-1922, 371.

ports in China where foreigners could trade and reside. But now there are fifty such ports. Consequently, the exemption of foreigners from Chinese jurisdiction has continually increased. This system is obviously objectionable to China because her sovereignty is restricted, and increasingly so. On this ground, foreigners claim exemption from taxes, and Chinese have even registered their property with Japanese in order to evade such charges.[51] Moreover, the system of extraterritoriality is often unjust to the Chinese. When an injury is committed against them by a foreigner, the latter is brought before a foreign court whose decision the Chinese may never know. Too often foreign courts have been influenced by a desire to advance the interests of their countrymen rather than of justice. Consequently, the system of extraterritoriality has made it difficult for Chinese authorities to maintain law and order. They are helpless to deal with foreign offenders.

Furthermore, the system of extraterritoriality is disadvantageous to foreigners. It has resulted in the establishment of several different courts and therefore increased the complexity of the legal system under which they are placed. Often they must go many miles before they can find a court which will hear their cause. Extraterritoriality has also indirectly curtailed their right to trade. China has insisted—and justly—that she cannot open up the whole of her country freely to foreigners—as long as they refuse to submit to Chinese laws.

For these different reasons, China has attempted for many years to secure the abolition of extraterritoriality. In treaties signed in 1902 with Great Britain, in 1903 with Japan and the United States, and with Sweden in 1908, it was provided that extraterritoriality would be relinquished as soon as China should reform its judicial system and bring

[51] Liu, "What Japan is Doing to China," *Current History*, July, 1921.

it into accord with that of Western nations.[52] China has attempted to fulfill these requirements. Since 1904, a commission has prepared five law codes. In 1910, a system of law courts was established, presided over by modern lawyers.[53] Nevertheless, nothing was done by the foreign powers to carry out the pledge in these treaties.

On November 25, Dr. Chung-hui Wang presented China's case in regard to extraterritoriality before the Committee on the Far East. The Chinese Delegation, he said, did not ask "for an immediate and complete abolition of extraterritoriality," but they did ask that the Conference fix a date by which these rights would be relinquished by the foreign powers. In the meantime, he asked that representatives of the powers should negotiate with China in regard to the "progressive modification and ultimate abolition" of the system of extraterritoriality. This request was referred to a subcommittee headed by Senator Lodge, which reported back on November 29. This subcommittee came to the conclusion that extraterritoriality could not be abolished until the actual facts in regard to the Chinese system of justice had been ascertained, and that these facts could only be obtained by a commission of investigation. Consequently they recommended that a Commission be appointed to inquire into the practice of extraterritoriality, and to assist China in making such reforms as would warrant the powers in relinquishing these rights. This commission is to be constituted within three months after the Conference, and it shall make its report within one year after its first meeting. But each of the powers is free to accept or to reject its recommendations. This Resolution was adopted by the Committee on November 28.[54]

[52] For the relinquishment treaties, see MacMurray, *Treaties and Agreements with and concerning China*, 374, 414, 431, 745.

[53] In regard to the present system of justice in China, see China *Year Book*, 1921-1922, Chapter XVI.

[54] Adopted by the Plenary Session on December 10, 1921, see Resolution No. 4, Appendix.

Although this Resolution failed to name a date by which foreign courts are to be withdrawn from China, it probably went as far as was possible. As long as civil war in China prevails, foreign powers will be loath to withdraw the judicial protection of their nationals. Even such a sympathetic paper as the *Weekly Review of the Far East* says (January 21, 1922): "China has no regularly organized judicial machinery in the modern sense of the word, no universally accepted civil or criminal code, and no existing government whose influence covers effectively the whole of the eighteen provinces. To whom then could the citizens of other nations look to for safety and support, justice, and fair dealing?" While the Conference might have abolished extraterritoriality in a few cities where the Chinese system of justice is well-established, it could have done little more under circumstances as they were.

CHAPTER IX

PROPOSITIONS IN PRINCIPLE

I

It is no secret that the United States has been vitally interested in the Orient, not so much out of sympathy for China as on account of investments and trade.[1] The aim of the Open Door Policy, enunciated in 1899 by John Hay, was to secure equality of opportunity in commerce and industry for the traders and capitalists of all nations in whatever part of China they might be found. At that time the powers especially promised not to discriminate against other foreigners within their Spheres of Interest in regard to tariff rates, harbor dues, or railway charges.[2]

But despite the acceptance and the reiteration of these principles, they have never been followed in China up to the present day. When citizens of one nation have gained control of the administration of the Chinese customs service in certain ports, they have been able to subject imports from other nations to discriminating duties or delays which worked to the favor of their own importations. The same has been true of foreign post-offices, presently to be discussed. Likewise, when one group of foreigners has gained control of certain railways in China, they have been able to discriminate against the goods of other nationals, both in charges and in service. These discriminations have been serious because twenty-three out of the twenty-seven rail-

[1] See p. 68.

[2] For this correspondence, see MacMurray, *Treaties and Agreements with and concerning China*, 221-236. For the dispute as to the extent of the Open Door policy, see p. 294.

way lines in China are now in part directed by foreigners.[3] They have arisen out of the very nature of foreign control; but they have been of such a type that usually it has been impossible to prove their existence, so as to make them the subject of diplomatic protest.

These discriminations have been against trade, and they have clearly violated the Open Door Policy. Of even more importance have been the attempts of certain foreign nations and their subjects to secure monopolies, in regard to investments and concessions for the development of mines and railways, etc., in certain parts of China. They have been able to do this through the Sphere of Interest. These spheres were created following the Sino-Japanese War of 1895, and by two means: first, by an agreement between the power concerned and China, in which China promised not to alienate a certain territory to any other power;[4] second, by agreement between two nations in which the one promised not to seek concessions in certain parts of China reserved to the other. Thus, in the Anglo-Russian Agreement of 1899, Great Britain promised not to seek any railway concessions north of the Great Wall of China, which would be reserved to Russia; while Russia made a similar promise in regard to the Yangtze valley.[5] By means of these types of agreements, Russia secured a sphere of interest in Manchuria and Mongolia; Germany in Shantung; France in southern China; and Great Britain in the Yangtze valley. In 1905, Japan succeeded to the Russian sphere in South Manchuria and part of Mongolia, and in 1914 and 1915, to the German sphere in Shantung.

[3] For example, the Peking-Mukden Railway is financed by British capital; and the Chief Engineer and other officials must be British subjects. The South Manchurian Railway is directed by a Japanese company, four-fifths of the stock of which is owned by the Japanese Government. For a list of these railways, see Willoughby, *Foreign Rights and Interests in China*, 568, 569.

[4] For the list of these types of agreements, see p. 289.

[5] For the text, see MacMurray, *op. cit.*, 204.

Whether these agreements directly stipulated it or not, it was always understood that in its sphere a power was to have preferential or exclusive rights to make loans, construct railways, operate mines, or develop public enterprises.[6] In other words, a Sphere of Interest gave the nation concerned a monopoly in certain territory from which the trade and investments of other nations were excluded.[7]

These Spheres of Interest already existed when John Hay formulated the Open Door policy. But although he attempted to secure equality of treatment for other nations in these spheres, this proved impossible as long as the spheres—by their very nature exclusive—continued to exist. Despite this fact, the United States was unable to change the Sphere of Interest policy; and it was followed by the powers down to the opening of the Washington Conference. The interests of American capitalists were more vitally affected by this policy than the capitalists of other nations, because the United States had never set up a sphere of interest in China. For example, in 1916, an American concern, the Siems-Carey Company, secured a concession to build some 1500 miles of railway in China. But no progress could be made because Russia objected that part of the mileage to be built lay in her sphere, and England and France objected for similar reasons. As a result, the American concern could not make any progress with the road. Another example of the results of this policy was the case of the American International Corporation which in 1916, agreed to loan the Chinese Government $3,000,000 at seven per cent interest, for the purpose of improving the Grand Canal, a part of which is in Shantung province.[8] But this

[6] See Willoughby, *op. cit.*, 274.

[7] One of the best discussions of the Sphere of Influence, from the standpoint of international law, will be found in Hall, *Foreign Powers and Jurisdiction of the British Crown*, 92-100.

[8] Willoughby, *op. cit.*, 562-568; Bishop, "Shantung, Key to Peace in Orient," New York *Evening Post*, October 26, 1921.

loan was defeated by the Japanese who claimed priority in such rights because of their occupation of Tsingtau.[9] The case of the Federal Wireless Company has already been discussed.[10]

As we have seen, many of these monopolies have been secured by foreign concerns from usurping local authorities. It is easily imaginable that such men may be placed in power merely for the purpose of granting such concessions.[11] Many concessions have thus not only been acquired under questionable circumstances, but they have been kept secret from other powers. Consequently, when a later concession is granted, disputes and misunderstandings arise. Obviously trade rivalries of such a character are fecund causes of war.

In an attempt to alter these conditions, so disadvantageous to the commercial interests of the United States, the State Department placed the following topics in regard to China on the agenda:[12]

1. The Open Door—Equality of commercial and industrial opportunity.
2. Concessions, monopolies or preferential economic privileges.
3. Development of railways, including plans relating to the Chinese Eastern Railway.
4. Preferential Railway Rates.
5. Status of existing commitments.

The agenda included similar subjects in regard to Siberia. The action of the Washington Conference in regard to these subjects must now be discussed.

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[9] Spheres of Interest usually arise out of leaseholds. But the leasehold secures *political* rights to a foreign power; while a Sphere of Interest secures *economic* rights.

[10] See p. 71.

[11] On the "effect of change of sovereignty on contracts and concessions," see Moore, *Digest of International Law*, § 98.

[12] See p. 150 n.

II

The first victory for the principle of equal commercial opportunity came indirectly in connection with the Chinese Tariff Question. In the past those nations having territory contiguous to China, were able to secure by means of treaties, a reduction of customs duties on goods imported into China across their frontiers. Thus Japan had an agreement with China whereby only two-thirds of the regular duty was charged on goods going from Korea across the border to Manchuria. France secured a reduction of three-tenths in duties on goods imported into China from Burma. The privileges thus held by this frontier trade not only deprived China of an annual revenue amounting to some $600,000, but it discriminated against the trade of other nations obliged to enter China via treaty ports.[13]

One of the early steps of the Conference was to abolish these tariff privileges, which was done in the Chinese Tariff Treaty of February 6, 1922. Article VI of this Treaty declared that "the principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers is hereby recognized."[14]

Similarly connected with the problem of the Open Door was the question of foreign post-offices and wireless facilities. For some fifty years different nations have maintained their own post-offices in China. These post-offices have not existed on any treaty right. They arose as an outgrowth of the diplomatic pouch, and at a time when

[13] For a discussion, see Willoughby, *Foreign Rights and Interests in China*, 148 ff.

[14] This principle is qualified, however, by the further statement that the Special Conference, to put this principle into effect, "is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage." For the full text of the treaty, see Appendix, Treaty No. 7. For a discussion of its other provisions, see p. 251.

the Chinese postal system did not exist. But the creation of an efficient Chinese postal service soon made these foreign post-offices unnecessary.[15] But despite the recognized efficiency of the Chinese postal system, these foreign offices have been maintained, 124 by the Japanese, twelve by the British, thirteen by the French, and one by the United States. Moreover, Chinese officials have been denied the right to inspect the mail going through these foreign postal facilities. Consequently, the Japanese, who possess five-sixths of these offices, have been able to bring goods into China without the payment of duty, and, of more importance, they have been able to smuggle in contraband such as opium and morphia, the importation of which the Chinese authorities have been powerless to prevent. If an American business man should ever be obliged to use a Japanese post-office, it is not improbable that his mail would be tampered with in the interest of Japanese trade.

On November 25, Minister Sze of the Chinese Delegation requested that all of the powers abolish their postal services in China at once. This request was based on the ground that (1) the Chinese postal system was adequate to meet the requirements of all foreigners; (2) the operation of foreign post-offices deprived the Chinese system of a source of revenue to which it was entitled; (3) these postal agencies violated the territorial and administrative integrity of China. In reply to this request, Mr. Hanihara of the Japanese Delegation said that while Japan had no desire to perpetuate the system of foreign post-offices, yet "as a

[15] The Chinese Post Office maintains the cheapest general service in the world, according to the statement of the Chinese Delegation. In 1920, its surplus was $2,212,068.91. Out of 37,000,000 articles posted in 1920, only 400 claims for indemnity for lost articles were made. At present, 31,275 places are served by the Chinese post-offices, more than double the number four years ago. As early as 1902 the American Minister at Peking protested against foreign post offices. In November, 1920, the Office of the U. S. Postmaster General recognized the efficiency of the Chinese service.

practical measure it would be difficult to withdraw" them at once (490). The Japanese were not convinced of the efficiency of the Chinese system. Only "as it became evident that conditions warranted," would Japan consent to withdraw. Mr. Hanihara proposed that the matter be referred to the Ministers of the interested powers at Peking who would be in a better position than the Conference to determine upon the proper time to abolish these services (492).

This position of the Japanese Delegation was so untenable that they were soon obliged to agree to the abolition of these offices "in principle." And on November 28, the Far Eastern Committee adopted China's request. But the date for withdrawal was left blank while the Japanese Delegation referred the matter to the home government at Tokyo. Finally, on December 12, it was announced that the Japanese Government had consented to withdraw on the date suggested by the Conference—January 1, 1923.[16] But even then, the Japanese Government "wish to place on record their desire that a suitable number of experienced Japanese postal officers be engaged by China to promote the efficiency of the Chinese postal administration." In view of the notorious inefficiency of the Japanese postal system at home, this demand was very humorous, even though the motives for the request pass unchallenged.[17] Moreover, foreign post-offices located in leased territories were exempted from the resolution (which was finally adopted by the Conference as a whole on February 1, 1922). Consequently, China's demand was not entirely met, even in regard to this minor request.[18]

[16] See the letter of Mr. Hanihara to Mr. Lodge, of December 9, 1921 (572).

[17] In regard to the Japanese postal system, see Japan *Weekly Chronicle*, March 2, 1922.

[18] See Resolution No. 5, Appendix. These post-offices are to be withdrawn provided (1) China maintain an efficient postal service,

On November 28, Minister Sze brought up the question of foreign electrical facilities likewise maintained on Chinese soil, without the express authority of any treaty or agreement. Japan maintained about fifty regular telegraph stations in China. In addition, she maintained eleven wireless installations, France maintaining four, Great Britain two, and the United States three. These electrical facilities were as abusive of the principle of the Open Door and of the administrative integrity of China as the foreign post-office. Consequently, the Chinese Delegation asked that they be at once withdrawn. On December 7, the Far Eastern Committee recognized the justice of this demand by adopting the Viviani resolution dealing with such facilities. But final action was delayed, because the Japanese and Chinese wished to discuss the question among themselves (719). But as these negotiations apparently proved to be fruitless, the Committee, on January 27, reënacted the Viviani resolution which provided that all radio stations maintained on Chinese territory without the consent of the Chinese Government shall be transferred to the Chinese authorities after making full compensation for the property. Nevertheless, according to Article 4, the question of radio stations in leased territories, in the South Manchurian Railway zone, and in the French concession at Shanghai "shall be regarded as matters for discussion between the Chinese Government" and the French and the Japanese—a polite way of informing China that these radio stations (about two-thirds of the total number) are

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(2) no change be made in the present postal administration so far as the status of the foreign Co-Director General, a Frenchman, is concerned. Pending withdrawal, the Chinese customs authorities may examine all postal matter going through foreign post-offices, to ascertain whether they contain articles which are dutiable or contraband. However, this provision does not apply to ordinary letters, etc., an exemption demanded by the Japanese and seconded by the French (497).

not to be disturbed.[19] This reservation led to the formal declaration of the Chinese Delegation that its Government did not recognize the right of any foreign power to install, without its consent, these stations either in legations, concessions, leased territories or railway areas. In order to satisfy its own conscience, the Far Eastern Committee voted that, although the radio stations in these areas were not to be disturbed by the Conference, nevertheless, this was not "to be deemed to be an expression of opinion by the Conference as to whether the stations referred to therein are authorized by China."[20]

III

These maneuvers in regard to post-offices and radio stations were only preliminary to the great issue of the Open Door. The Root Resolutions had recognized the principle of "equal opportunity for the commerce and industry of all nations" throughout China. But further action was needed to transform this aspiration into reality. The first step was taken by Dr. Wang of the Chinese Delegation who, on December 12, asked the Conference to "disavow all

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[19] See Resolution No. 7, Appendix; which also provided that radio stations maintained in legations, should be limited to sending government messages, except in case of necessity. All authorized radio stations must limit their activities to treaty provisions; and disputes in regard to Article 4 must be settled in accordance with the Open Door.

[20] As has been pointed out, p. 267 n., a power holding leased territory exercises the right of sovereignty over it, which, liberally construed, would give it the power to maintain post-offices, radios, etc., without the specific consent of China. But the Japanese leases had been obtained by duress (see p. 11); and certainly if the Conference could not secure their cancellation, it should have at least established the doctrine of *strict* construction in regard to powers arising out of them, as the Chinese elsewhere requested, see p. 247. The terms of a treaty are to be construed as those of a contract. Moore, *Digest*, v. 252; and the terms of a grant are to be *strictly* construed, *cf. Charles River Bridge Co.* v. *Warren Bridge Co.*, 11 Peters 420; *cf.* also the recent case of *Sullivan* v. *Kidd*, 254 U. S. 433.

claims to a sphere or spheres of interest or of influence or any special interests within the territory of China" (580), which, as we have seen, rested on treaties and agreements among the several nations. In reply to this request, Mr. Root asked that the Chinese Delegation designate the exact specifications from which they wished to be released (581). Consequently, Dr. Wang (on the 14th) asked the cancellation of some twenty treaties and agreements, including the Twenty-One Demand Treaties, the Anglo-Japanese Alliance, and the Lansing-Ishii Agreement[21] (584). The Chinese

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[21] The list of treaties whose cancellation the Chinese requested, is as follows (584):

"Sino-Japanese treaties and exchange of notes of May 25, 1915, (MacMurray, 1216).

"INTER-POWER AGREEMENTS WITH REFERENCE TO CHINA.

"1. Franco-Japanese agreement, June 10, 1907 (MacMurray, 640).
"2. Anglo-Japanese treaty, July 13, 1911 (MacMurray, 900).
"3. Russo-Japanese convention of July 30, 1907 (MacMurray, 657).
"4. Russo-Japanese secret convention of July 30, 1907 (text not available).
"5. Russo-Japanese convention of July 4, 1910 (MacMurray, 803).
"6. Russo-Japanese secret convention of July 4, 1910 (text not available).
"7. Russo-Japanese secret convention of July 8, 1912 (text not available).
"8 Russo-Japanese convention of July 3, 1916 (MacMurray, 1327).
"9. Russo-Japanese secret treaty of alliance of July 3, 1916 (MacMurray, 1328).
"10. American-Japanese exchange of notes of November 30, 1908 (Root-Takahira agreement) (MacMurray, 769).
"11. American-Japanese exchange of notes of November 2, 1917 (Lansing-Ishii agreement) (MacMurray, 1394).
"12. Anglo-French agreement of January 15, 1896, Article IV (MacMurray, 54).
"13. Anglo-Russian agreement, April 28, 1899 (MacMurray, 204).
"14. Anglo-German agreement, September 2, 1898 (MacMurray, 268).

"COMMITMENTS AND AGREEMENTS WHICH APPEAR OR HAVE BEEN ALLEGED TO CREATE OR RECOGNIZE THE EXISTENCE OF SPHERES OF INTERESTS."

NOTE.—Other existing commitments or agreements granting prefer-

had taken Mr. Root too literally, for this request, especially that demanding the cancellation of the Twenty-One Demand Treaties of 1915, came as a rude shock to the Committee, which now speedily adjourned.[22] For a month no mention was to be made of the Open Door or the Sphere of Interest. When the subject was again taken up, it was done more gently, and at the direction of the American Delegation.

On the 16th of January, the Far Eastern Committee disposed of the final details in regard to the Chinese Tariff Treaty. The next subjects on the agenda were the Open Door and concessions or preferential economic privileges. In opening the discussion, Mr. Hughes said that a more concrete understanding should be reached in regard to these matters than had been contained in the Root Principles. He believed that the Conference should specifically recognize that any general superiority of rights or monopolistic advantages in favor of one power or its nationals to the exclusion of others, was a violation of the principle of the Open Door (613). With this purpose in view, he offered the following resolution:

DRAFT RESOLUTION ON THE OPEN DOOR

With a view to applying more effectually the principle of the open door or equality of opportunity for the trade and industry of all nations, the powers represented in this conference agree not to seek or support their nationals in asserting any ar-

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ential or monopolistic rights to particular powers or to their nationals will be brought forward in connection with the Open Door.

"NONALIENATION AGREEMENTS.

"1. Hainan (MacMurray, 98).
"2. Yangtse Valley (MacMurray, 104).
"3. Tong King Border (MacMurray, 123).
"4. Fukien (MacMurray, 126).
"5. Coast of China (MacMurray, 1215)."

[22] See p. 269.

rangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of the territories of China, or which might seek to create any such monopoly or preference as would exclude other nationals from undertaking any legitimate trade or industry or from participating with the Chinese Government in any category of public enterprise, it being understood that this agreement is not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial or industrial undertaking.

This last "understanding" had been inserted in order to protect legitimate undertakings which, because of their nature, would be unprofitable unless they secured a monopoly within a certain limited district. For example, a railway concession would be of little value if, under the guise of the Open Door, another group of capitalists might build a railway three miles away (617). But the great difficulty was in drawing the line between legitimate concessions of this character, and widespread monopolistic privileges which unfairly prevented the activity of foreign capital.[23] Sir Auckland Geddes raised this question, and suggested that some machinery was necessary to determine whether or not a concession fell within the Hughes proviso. Mr. Balfour also very pointedly remarked that the British Delegation had assumed that the principles which Mr. Hughes so eloquently defended, had been "completely accepted" by the powers in the past, and that the Sphere of Influence was no longer tolerated by any government. In his opinion, some machinery was necessary to settle the disputes of which Sir Auckland Geddes had spoken.

If the American Delegation had wished to dispose of the

[23] As pointed out elsewhere (see p. 72), the real solution of concessions which are "natural monopolies" is to have them financed by an international coöperative body. Only in this way can disputes be avoided.

Open Door and Spheres of Influence with only a declaration of principles, the British had now compelled a more searching treatment of the subject. Consequently, on the next day (January 17), Mr. Hughes placed before the Far Eastern Committee a detailed resolution as follows:

THE OPEN DOOR IN CHINA

(*Revised draft of resolution*)

I. With a view to applying more effectually the principle of the open door, or equality of opportunity, in China for the trade and industry of all nations, the powers other than China represented at this conference agree:

(*a*) Not to seek or to support their nationals in seeking any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China.

(*b*) Not to seek or to support their nationals in seeking any such monopoly or preference as would deprive other nationals of the right of undertaking any legitimate trade or industry in China or of participating with the Chinese Government or with any provisional government in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that this agreement is not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking, or to the encouragement of invention and research.

II. The Chinese Government takes note of the above agreement, and declares its intention of being guided by the same principles in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries whether parties to that agreement or not.

III. The powers including China represented at this conference agree in principle to the establishment in China of a board of reference to which any question arising on the above agreement and declaration may be referred for investigation and report.

(A detailed scheme for the constitution of the board shall be framed by the special conference referred to in Article I of the convention on Chinese customs duties.)

IV. The powers (including China) represented at this conference agree that any provisions of an existing concession which appear inconsistent with those of another concession or with the principles of the above agreement or declaration may be submitted by the parties concerned to the board of reference when established for the purpose of endeavoring to arrive at a satisfactory adjustment on equitable terms.

According to Mr. Hughes, clause (*a*) above was designed to abolish Spheres of Interest, while clause (*b*) dealt with specific monopolies whether arising within a specified Sphere or not. Article III followed the British suggestion, and provided for the creation of a Board of Reference, to which, according to Article IV, disputes in regard to *existing* concessions might be referred. But Mr. Hughes was careful to say that this board had no authority to decide disputes; and that its reports would bind no one. Its only powers would be to investigate and to report, after which each power would remain free to act.

This resolution was accepted by Senator Schanzer for the Italian Delegation and by Sir Auckland Geddes for the British. But M. Sarraut, of the French Delegation, objected to the words, "existing concession." He did not believe that the Board of Reference should have power to question "the validity of certain business concerns of long standing." Although the board might not have any direct power, nevertheless its moral authority would be great, and as a result, serious inconvenience might arise for the parties who refused to submit to investigation. Baron Shidehara followed with the statement that he was "in accord with the general principles" of the Hughes Resolution, but he wished more time to study the subject. The meeting thereupon adjourned.

On the next day (January 18), the Japanese attack on the Board of Reference began. Baron Shidehara questioned whether such a board would be practical, in view of the great difficulty for each Government, especially the United States, to maintain qualified jurists in China to serve on this board. After the British and American Delegations had assured the Japanese in diplomatic language that they had enough lawyers to spare for this purpose, Baron Shidehara then turned to Article IV. He stated that the principles embodied in the Hughes Resolution were materially different from those originally defined by John Hay in 1899. At that time, the Open Door policy expressly recognized the Sphere of Interest, and merely pledged the power claiming such a Sphere not to discriminate against foreigners in the collection of customs, duties or railroad and harbor charges, etc.[24] But the Hughes Resolution would now extend the Open Door policy to prohibit industrial monopolies and exclusive concessions of whatever nature. If, therefore, these principles should now be adopted by the Conference, they should not be given a retroactive force. But Article IV would give the Board of Reference the right to inquire into *existing* concessions. He would, therefore, suggest that this phrase be changed so that the board might have jurisdiction only over a "concession which may *hereafter* be granted." In this manner the Japanese Doctrine of the Accomplished Fact again appeared.

But Mr. Hughes would not agree to the limited definition Baron Shidehara had given to the Open Door policy. While it was true that in the original enunciation of that policy, the specific points named had been presented, the real scope and spirit of the policy was shown in further correspondence between the United States and foreign

[24] See p. 280.

powers. He then cited the communication of Mr. Choate, the American Ambassador at London, to Lord Salisbury, September 22, 1899, to the effect that the Open Door policy implied the obligation "not to use any privileges which may be granted" to Great Britain in China "as a means of excluding any commercial rivals," and to grant freedom of trade to all alike. A similar definition of the Open Door was accepted not only by Lord Salisbury, but by the French, Japanese, and Italian Governments. It was reiterated in the Root-Takahira Agreement of 1908, which stated that the policy of both the Japanese and American governments was to defend "the principle of equal opportunity for commerce and industry in China."[25] In the light of these declarations, Mr. Hughes did not see how it could be presumed that the principles now enunciated in the Draft Resolution on the Open Door differed from the Open Door policy of the past. He believed that the first article of that resolution "stated a principle which had been operative all through the period he had named, and had been binding on the Governments concerned" (635).

Despite this defense of the American interpretation of the Open Door, Sir Robert Borden of Canada now suggested that the troublesome Article IV be dropped altogether. He said that the powers would still be able to utilize the Board of Reference (established under Article III) to inquire into concessions as they saw fit.

The question at issue was a vital one. The omission of Article IV meant that the Board of Reference could not investigate disputes arising out of existing concessions without the consent of Japan or any other nation whose con-

[25] The preamble of the Anglo-Japanese Alliance of 1902 declared that both powers were specially interested, "in securing equal opportunity in those countries [China and Korea] for the commerce and industry of all nations."

cession was called into question. Naturally such consent would never be forthcoming unless the concession was a legitimate one—in which case it would not be likely to be challenged. In other words, the Board of Reference would not even have the right to inquire into existing disputes such as that between the Mitsui and Federal Wireless companies.[26] The elimination, therefore, of this Article, meant the maintenance of the *status quo*, and the virtual recognition that existing concessions in China could not be challenged.

Under these circumstances it is difficult to understand why the American Delegation did not make a fight for the retention of this Article. But from the very beginning of the Conference, the United States assumed the attitude that the Conference could not interfere with already acquired interests. At the meeting of the Far Eastern Committee on November 19, Mr. Root declared (450) that "it was plain that existing facts should be recognized." On the 21st he asserted that the phrase "administrative integrity" "did not affect any privileges accorded by valid or effective grants" (455). Because of some mysterious pressure, Mr. Hughes temporarily departed from this policy, on January 16, by introducing the Open Door Resolution, especially Article IV. But in the face of the expressed desire of France that these interests remain untouched, of the Japanese amendment that the word "existing" be stricken out, of the Borden suggestion that Article IV be omitted altogether, and of the apparent indifference of Senators Root and Underwood, Mr. Hughes' courage was short-lived. He perhaps believed that the adoption of the first three articles of the Resolution would be jeopardized if he held fast to Article IV.[27] Whatever his motives were, he voluntarily

[26] See p. 71.
[27] The real reason is discussed on p. 323.

the Article in question—and without a protest
ıment of any kind. The remaining three Articles
ı unanimously adopted.[28] Such was the fate of
erious attempt to alter the commercial *status quo.*
Door still remained a motto.

IV

same day, the matter of the Chinese railways was
efore the Far Eastern Committee. As has been
of the railways of China are under some form
control. And despite the promises made by the
1899 in regard to the Open Door policy, accusa-
been repeatedly made that these foreign-controlled
had been operated to the detriment particularly
an trade.

to reënact the principle of equality of treatment
ailroads, Sir Auckland Geddes, in behalf of the
elegation, presented the following resolution,
January 19 was unanimously adopted:

s desirable that a provision to the following effect be
ention on the Open Door in China:
ıese Government declares that throughout the whole
ways in China, it will not exercise or permit any
rimination of any kind. In particular, there shall
rimination whatever, direct or indirect, in respect
or of facilities on the ground of the nationality of
or the countries from which or to which they are
or the origin or ownership of goods or the country
ı or to which they are consigned, or the nationality
ip of the ship or other means of conveying such
or goods before or after their transport on the Chinese

r powers represented at this conference take note

ndment was made, the words "local authority" being substituted for "provincial government" in the original draft.

of the above declaration and make a corresponding declaration in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement, or otherwise.

Any question arising under this declaration may be referred by any of the powers concerned to the board of reference, when established, for consideration and report.[39]

This declaration was merely a repetition of past promises. But because of the very nature of the discriminations involved, it would be difficult even for the Board of Reference to determine whether or not they were actually being made. Under the guise of rate classifications, discriminations in charges could exist.[40] Moreover, it was impossible to determine whether delays in providing cars for American products, etc., were due to necessity or malice aforethought. As long as the Chinese railways were under the direction of foreigners, discrimination in some form or another would remain. The fundamental solution lay in placing these railways under Chinese management. The Chinese would have no incentive to grant one group of nationals privileges not granted to others.

Realizing this fact, Mr. Hughes now asked the adoption of a resolution which at least recognized this principle. On the 19th, the following resolution was unanimously adopted:

The powers represented in this conference record their hope that, to the utmost degree consistent with legitimate existing rights, the future development of railways in China shall be so

[39] The wording of this declaration implied that the Chinese were the chief offenders in this respect. But it was merely a legal method of expressing a principle meant to apply to all of the powers concerned. According to Mr. Sze, in respect to the roads under Chinese control, "there had never been a single complaint by any shipper of unfair treatment or discrimination" (845). This resolution in regard to the railroads was embodied in the Open Door Treaty, see p. 314.

[40] Mr. Hughes said the Resolution did not impair the authority to classify rates (847).

conducted as to enable the Chinese Government to effect the unification of railways into a railway system under Chinese control, with such foreign financial and technical assistance [31] as may prove necessary to the interest of that system.[32]

But no attempt was made, it will be noted, actually to bring about this result: no power offered to surrender its existing rights to make this unification possible.

Included under the question of railways in general was the case of the Chinese Eastern Railway. As noted elsewhere, this railway, which connects the South Manchurian Railway with the Trans-Siberian Railway, was under Russian control before the war. In 1919, an Interallied Commission was established to take charge of the Siberian transportation systems, and it still exercises supervisory powers over the Chinese Eastern Railway. But the road was experiencing grave financial difficulties, and its operation was frequently interrupted by disorders, all of which had been taken advantage of by the Japanese military party to attempt to secure control.[33]

In an effort to save this road from falling into the hands of the Japanese and to place it again in running order, the Conference, on January 18, 1922, appointed a subcommittee of experts to consider what action the Conference might take. This subcommittee reported (January 23) that the Chinese Eastern Railway was confronted with the three problems of finance, operation, and police. But foreign funds necessary for its operation could not be obtained without foreign supervision of the road. Consequently, the subcommittee recommended that the present Interallied Commission be replaced by a permanent Finance Commit-

[31] The original word was "coöperation," but was changed at the request of Mr. Sze.

[32] See Resolution No. 8, Appendix. *Cf.* also the Chinese declaration in regard to this Resolution.

[33] See p. 12.

SAL1/2

tee, composed of one representative of each of the powers at Washington, sitting at Harbin. This Committee should act as trustee for the road until the recognition of a Russian Government. The Finance Committee should leave the operation of the road with the present executives except as it related to financial matters, etc. As to protection, a "dependable and effective police force" was of fundamental importance. This body might be composed entirely of Chinese, but for the time being, it should be paid and controlled by the Finance Committee (690).

These recommendations were vigorously objected to by the Chinese representative, Dr. Hawkling Yen, on the ground that international control of the Chinese Eastern Railroad would be a new violation of the administrative integrity of China, and probably also because it would delay the proposed unification of railways under Chinese control. Consequently, as the experts had reached a deadlock as to policy, the matter was now referred to a subcommittee of delegates, headed by Senator Root. On February 2, this Committee reported that they could reach no agreement, except as to the following resolution:

> Resolved, that the preservation of the Chinese Eastern Railway for those in interest requires that better protection be given to the railway and the persons engaged in its operation and use; a more careful selection of personnel to secure efficiency of service, and a more economical use of funds to prevent waste of the property.
>
> That the subject should immediately be dealt with through the proper diplomatic channels.

This resolution was accompanied by a reservation of all the powers other than China, as follows:

> The powers other than China in agreeing to the resolution regarding the Chinese Eastern Railway, reserve the right to insist hereafter upon the responsibility of China for performance or nonperformance of the obligations toward the foreign stock-

holders, bondholders, and creditors of the Chinese Eastern Railway Co. which the powers deem to result from the contracts under which the railroad was built and the action of China thereunder and the obligations which they deem to be in the nature of a trust resulting from the exercise of the power by the Chinese Government over the possession and administration of the railroad.[34]

These resolutions assumed that the control of the Inter-allied Commission should continue, but at the same time they impliedly recognized the sovereignty of China over the road. Nevertheless, the reference of the whole matter to "the proper diplomatic channels" merely side-stepped the issue, and recognized the principle of "direct negotiation" between Japan and China in regard to matters of international concern.[35] Moreover, the assumption that the present condition of the road was due to Chinese inefficiency was entirely unwarranted. The disturbing conditions arising out of the Russian Revolution and the intrigues of the Japanese military party were entitled to a greater share of the responsibility. But as to these factors, the Conference was silent.

V

During the discussion of Article IV of the draft Open Door Resolutions, the question of the validity of existing concessions in China had been indirectly raised. Upon the defeat of that Article, the Chinese Delegation reserved the right to bring the matter up again in the future (639). This was to be on January 19, when the Committee on Far Eastern Affairs officially considered the agenda subject of "The status of existing commitments." At this time, Mr. Hughes stated that it would be of service if a very clear

[34] See Resolutions Nos. 11 and 12, Appendix.

[35] See p. 240. It was suggested by the American Delegation that diplomatic negotiations on this subject should be initiated by the Chinese Government.

understanding "of the commitments which were claimed to *exist* with respect to China" could be arrived at. Mr. Hughes had given up the right to question the *validity* of these concessions on the day before. But now he hoped that the Conference could at least find out *what those commitments were.*

In discussing this subject, Dr. Wellington Koo, for the Chinese Delegation, said the Chinese Government would be glad to give full publicity to all commitments which it had made. But he also believed that the other powers should publish all commitments claimed by them to exist, many of which were based on the verbal statements of a single Chinese official and local authorities, unknown to the central Government. As far as mere publicity was concerned, Mr. Koo agreed with Mr. Hughes, but now he was to go much further in saying that after these commitments had been published, their validity should be determined, particularly those which had originated in doubtful circumstances. Finally, he suggested that after the validity of each commitment had been adjudged, "steps should be taken to harmonize them with one another and with the principles adopted by the committee"—suggestions which virtually brought back the question raised in connection with the ill-fated Article IV.

Mr. Hughes thereupon suggested that in order to know just what commitments did exist, the powers represented at the Conference should file with the Secretary-General a list of all treaties and engagements upon which they based claims (650). And on January 20, 1922, he definitely placed this suggestion before the Committee in the following resolution:

DRAFT RESOLUTION ON THE TABLING OF EXISTING COMMITMENTS

The powers represented in this conference, considering it desirable that there should hereafter be full publicity with re-

spect to all matters affecting the political and other international obligations of China and of the several powers in relation to China, are agreed as follows:

I. The several powers will at their earliest convenience file with the secretariat general of the conference for transmission to the participating powers a list of all treaties, conventions, exchanges of notes, or other international agreements which they may have with China, or with any other power or powers in relation to China, which they deem to be still in force and upon which they may desire to rely. In each case, citations will be given to any official or other publication in which an authoritative text of the documents may be found. In any case in which the document may not have been published, a copy of the text (in its original language or languages) will be filed with the secretariat general of the conference.

Every treaty or other international agreement of the character indicated shall hereafter be notified to the powers here represented within 60 days of its conclusion.

II. The several powers will file with the secretariat general of the conference at their earliest convenience for transmission to the participating powers a list, as nearly as complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions, of the other part, *on which their respective Governments proposed to rely,*[36] which involve any concession, franchise, option or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works, or public services, or for the sale of arms or ammunition, on which involve either a lien upon any of the public revenues or properties of the Chinese central Government or of the several provinces, or a financial obligation on the part of that Government or of the provinces exceeding $1,000,000 silver (peiyang $1,000,000). There shall be, in the case of each document so listed, either a citation to a published text, or a copy of the text itself.

Every contract of the character indicated shall hereafter be notified to the powers here represented within 60 days of its conclusion.

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[36] Italics mine.

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In brief, this resolution (Article I) provided for the publication of all agreements of foreign governments as such with China, of whatever nature, which now exist or which may be contracted in the future. It also provided (Article II) for the publication of contracts between the nationals of foreign powers and China involving questions of the Open Door.

Although the other Delegations expressed general approval of the purpose of this resolution, the Japanese Delegation at once raised objections. In the first place, the text of most of the agreements between Japan and China were in the Japanese and Chinese languages. No authentic translations had been made, and existing compilations could not be regarded as authoritative.

Secondly, Baron Shidehara said that the Japanese Government did not have any legal means of compelling Japanese individuals to produce the text of contracts made with the Chinese authorities of which the Japanese Government itself might be ignorant. An act of legislation would be necessary to bring this about.

This objection was sound under the Resolution, which, as then worded, provided for the filing of contracts now in existence with the Secretariat-General. But, obviously, this office would not exist longer than the Conference. Hence it would be impossible to secure copies of private contracts, the most of which were in Peking and Tokyo, before the Conference adjourned.

But if the resolution had provided that each power should notify the other powers, even after the close of the Conference, of these existing private contracts, Baron Shidehara's objection would have had little weight. The argument that the Japanese Government was ignorant of many private contracts in regard to China sounded plausible; but, as noted elsewhere, government and business ac-

tivities in Japan, especially as they relate to foreign countries, are usually one and the same thing.[37] Consequently, if the Japanese Government really wished to notify other powers of these private contracts, they would have had much less difficulty in doing so than the British Empire or the United States.

The Publicity Resolution itself attempted to remove Baron Shidehara's objections. It stated that the list of private contracts should merely be "as *nearly* complete as may be possible." And it also provided that contracts should be published "on which their respective Governments *proposed* to rely." This innocent provision was of vital importance, because it means that *if such a contract is not published, the Government concerned cannot support it in any dispute which may arise in the future.* This provision, therefore, served notice on all foreign capitalists in China that if they wished the diplomatic support of their Governments in regard to any project there, they must file with their respective foreign offices a copy of the concessions which they had secured.

But this means of meeting the Japanese objection was even more unsatisfactory than the objection itself, because the Japanese did not intend to disclaim the validity of any private contracts with China, whether they were published or not. Mr. Balfour innocently came to the rescue by suggesting that the phrase "on which their respective Governments proposed to rely" be omitted. He dextrously concealed the whole significance of this provision by stating that a Government should not be required, against its will, to support a private contract even though it had been published! Baron Shidehara then followed by stating that he did not see why Article II, covering private contracts, should be included at all (663).

[37] See p. 100.

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Discussion of the resolution continued at the next meeting (January 21). At this time the Japanese agreed to adhere to the Publicity Resolution, provided the Balfour Amendment, striking out the "proposed to rely" words, be adopted. This amendment was therefore agreed to, after Mr. Hughes had blandly stated that it would not weaken, but rather strengthen the article (671). Mr. Koo next brought forward an amendment, designed to cover classes of contracts which are made between individuals of different nations such as banking or railway groups,[38] independently of their own or of the Chinese Government. These contracts, according to Mr. Koo, should also be published, as they might seriously infringe upon the Open Door.

Mr. Root did not take readily to this suggestion. In his opinion "it was quite impossible that any power should assume the responsibility of giving notice of contracts by, or between, its nationals, and in which no government took any part" (672). The real remedy lay in a provision pledging the Governments concerned not to support such contracts when they violated the principle of the Open Door. Consequently, he suggested the following resolution:

"Resolved, that the signatory powers will not support any agreement by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory." In other words, this resolution was designed to relieve the governments of the duty of publishing these contracts; but to limit their support only to those which did not attempt to create a sphere of influence.

But, despite its purpose, the Root resolution was a poor

[38] For example, the Financial Consortium, see p. 14.

substitute for Mr. Koo's Amendment. In the first place, it was merely a repetition of the Open Door Resolution adopted a few days before, and which Mr. Hughes had recognized as covering the Sphere of Interest.[39] Moreover, it permitted private contracts to remain secret. In the meantime their terms might be carried out and vested interests acquired. So that by the time a dispute over the contract arises, the Government would find a pretext for defending the contract or concession which would not have existed if the contract had been published and contested when originally negotiated. As we have seen, the Conference could have compelled the registration of these contracts by the simple provision that if they were not registered the Governments concerned would never support them if their terms should be called into dispute. But the Conference rejected this vigorous means of enforcing the Open Door; and simply reiterated another "principle" which has been repeatedly violated as a matter of course in the past, and which certainly will be violated in the future.

The Publicity Resolution, in its emasculated form, was finally adopted by the Committee on January 21. Article I provided that regular treaties or agreements which now exist or which are negotiated in the future in regard to China, shall be notified to the Governments concerned. Article II provided that a list of the contracts between foreign subjects and the Chinese Government, or any of its subdivisions in regard to the Open Door, then in existence, should be filed with the Secretariat-General.[40] But as we

[39] See p. 293.

[40] See Resolution No. 10, Appendix. Article III imposed on China, as apart from the other powers, the duty of notification. Article IV provided that powers not represented at the Conference shall be invited to adhere if they have treaty obligations with China. The provision in the original resolution in regard to $1,000,000 contracts was omitted at the request of the British who thought such a demarcation would reveal trade secrets.

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have seen, this was impossible in most cases inasmuch as this office would not exist after the Conference adjourned. There was no obligation to notify the powers of *existing* contracts after that time. The Publicity Resolution therefore only secured the publication of contracts of a public character which are *signed in the future*. And the only obligation here is imposed on the Chinese Government, inasmuch as foreign Governments are virtually exempt from publishing contracts of their nationals.[41] But the Chinese Government cannot publish contracts made by local officials of which it is ignorant or the validity of which it denies. Consequently, even in regard to contracts in the future, there is no reason to believe that those contracts which it is most desirable to be revealed—namely, those whose legitimacy is questioned—will be published at all.

Obviously, this resolution failed in Mr. Hughes' humble purpose of revealing the exact status of commitments in China to-day or in the future. And it overlooked entirely the Chinese request that the validity of these commitments be determined and that they be harmonized with the principles of the Open Door. In its original form, the Publicity Resolution might have clarified the situation. But as finally adopted, it did nothing but muddle it.

VI

Despite these repeated defeats, the Chinese Delegation was not daunted. On January 23, Mr. Koo again raised the question of the validity and limitation of existing commitments. He said he wished the Conference to consider Number 6 of the original Ten Principles[42] which provided

[41] This is so because of the Root Resolution; and the provision that a contract is to be notified "after the receipt of information of its conclusion;" and of the provision in Article II that the list shall be "as nearly complete as may be possible."

[42] See p. 247.

that "reasonable, definite terms of duration are to be attached to China's present commitments which are without time limits;" and Number 7 which provided that "in the interpretation of instruments granting special rights or privileges, the well-established principle of construction that such grants shall be strictly construed in favor of the grantors is to be observed" (693). Mr. Koo also asserted that some machinery should be provided to which disputes concerning existing commitments might be referred.

Senator Underwood gave a characteristically legalistic reply to these requests when he said (695) that if the Conference should interfere with these contracts it would violate the sovereignty of China. To quote the Minutes, "as a sovereign government, it seemed to him that it was incumbent upon China to settle her own contracts; and if the contracts of China with other nations, in the ordinary acceptation of the term, were to be referred to some international body for determination as to their legality or their terminal facilities, it seemed to him that the sovereignty of China would be invaded by the committee." If this reasoning were valid, there would be little reason in having the Conference discuss Far Eastern affairs at all. Such a statement stood in strange contrast with the identical suggestion made by Mr. Hughes a few days before that such an international body should be established. The real animus of Senator Underwood's argument was seen in his subsequent words: "He thought the time had come, within reasonable limitations, when this Conference ought to approach its end. He felt they ought to work toward a conclusion. The work of the Conference had been a great work. It had accomplished great results for the world, and, in his judgment, it was most unwise to throw a cloud over the great things that had already been accomplished by this congress of nations, through a beclouding of the

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public mind of the world by a discussion of an infinite number of small details. Therefore, although as far as he was concerned, he did not control these matters, he hoped that he could expect from the representatives of the Chinese Government their aid in facilitating an early conclusion of the labors of the Conference" (696). In reply to Mr. Koo's reiterated desire for some machinery to settle these disputes, Mr. Hughes naïvely remarked that "China was a member of the permanent court of arbitration at The Hague. . . . In view of this fact he did not know whether it was wise to duplicate machinery already existing" (698).

China had asked for bread—she was given a stone.

VII

Siberia occupied an identical position on the agenda as China. But while thirty-one meetings of the Far Eastern Committee were devoted to Chinese questions, only a small part of two sessions were given over to Siberia. The facts in regard to this question have already been discussed.[43] When Japanese troops originally went to Siberia, they promised to withdraw upon the evacuation of the Czecho-Slovak troops. But the last of these troops left Siberia in September, 1920, and the American troops had left in the spring before. Yet in January, 1922, the Japanese still remained. When the Washington Conference opened, Japanese troops and ships controlled the three eastern outlets of Siberia, and they occupied the Maritime Province and northern Sakhalin. They had been responsible for the creation of the Merkuloff Government at Vladivostok;

[43] See p. 25.

and they had encouraged attacks against the Far Eastern Republic at Chita. At the Dairen Conference, then in progress, they were making demands for exclusive concessions in regard to fisheries and forests and mines. Many such concessions Japanese had already procured.

Consequently, the question of Siberia was serious, and even more so than that of China. Siberia was a virgin field, as yet unmarred by foreign antagonisms. It might be spared the fate of China if foreign imperialism could be restrained. Moreover, China had a recognized Government, legally, if not actually responsible for the destiny of the nation it represented. But Siberia had no recognized Government because of the refusal of the United States to recognize either the Soviet Government at Moscow or the Far Eastern Republic. This policy may or may not have been justified. But it placed upon the United States full responsibility for a country over which it had now assumed a tacit guardianship.

Yet despite this responsibility, the question of Siberia was dispatched with in some fifteen minutes. On January 23, 1922, Mr. Hughes called up the question before the Committee. Baron Shidehara thereupon arose and read a statement as to the "intentions and aims of Japan" in regard to this territory. He then reiterated the arguments, now old to imperialism, for maintaining troops on foreign soil: the necessity of protecting Japanese residents and their property there, and of suppressing conspiracies against Japanese interests in Korea. He protested that the Japanese troops had studiously refrained from interfering in internal politics. But in the same breath, he admitted that they had supported the Ataman Semenoff.[44] But the occupation was not to be permanent. Even Russian Sakhalin was to be evacuated "as soon as a satisfactory

[44] See p. 30.

settlement of the question shall have been arranged with an orderly Russian Government."

Finally this promise was made: "The Japanese delegation is authorized to declare that it is the fixed and settled policy of Japan to respect the territorial integrity of Russia, and to observe the principle of nonintervention in the internal affairs of that country, as well as the principle of equal opportunity for the commerce and industry of all nations in every part of the Russian possessions."

On January 24, Mr. Hughes also made a statement, in which he reviewed the history of the Siberian Expedition and the promises which Japan had then made. Quoting correspondence[45] which "has not always disclosed an identity of views between the two Governments," he recalled to Baron Shidehara that in July, 1921, the Japanese Government had made the same promises in regard to Siberia as were made just the day before. He concluded by saying that "it has been with a feeling of special gratification, therefore, that the American delegation has listened to the assurances given by their Japanese colleague, and it is with the greatest friendliness that they reiterate the hope that Japan will find it possible to carry out within the near future her expressed intention of terminating finally the Siberian expedition and of restoring Sakhalin to the Russian people."

A resolution was then passed by the Committee to the effect that the statements of the Japanese and American Delegations, in regard to the presence of foreign troops in Siberia, be reported to the Conference at its next Plenary Session, and spread upon the records. This was done at the Sixth Plenary Session of February 4, 1922. The resolution did not name a date by which these troops were to be withdrawn or by which northern Sakhalin was to be evacuated. It was silent in regard to the concessions Japan

[45] For the correspondence, see p. 28.

was demanding at Dairen, and in regard to the Open Door.[46]

VIII

After reviewing the negotiations at the Washington Conference in regard to the Far East, the conclusion cannot be avoided that the policy of the Japanese Delegation was consistently successful. That policy, as we have seen, was first, to make impossible the military intervention of any Western power in the Orient. This was done by the Naval Agreement, by the provision in regard to the nonfortifica-

[46] After the Japanese statement of January 23, the unrecognized Far Eastern Delegation at Washington sent Mr. Hughes a letter, part of which read as follows: "The Delegation of the Far Eastern Republic which has been denied an opportunity to defend the interests of the people of the Russian Far East at the Conference and which has at its disposal only one means—an appeal to the Governments and public opinion of the Allied powers—is compelled to state that the Russian people of the Far East, wearied by three and one-half years of foreign occupation of its territory, expect that as a result of the Conference, the remaining foreign troops will be immediately withdrawn from Russian territory and that the Russian people of the Far East will be given an opportunity to breathe freely and to continue their peaceful work of the restoration of their devastated country.

"No declaration of the Japanese Government, even the most solemn and grandiloquent, can satisfy the people of the Russian Far East, who have been fighting for their freedom and independence, especially after three and one-half years of ceaseless suffering caused by the presence and activities of Japanese troops."

On February 10, 1922 (Dalta News Agency, No. E.38, February 22, 1922), Mr. Yanson, Minister of Foreign Affairs of the Far Eastern Republic, also sent a note to the Japanese Delegation at Dairen, taking note of Mr. Shidehara's statement at the Washington Conference. Nevertheless, "the Government of the Far Eastern Republic must, however, state that the Japanese draft of the agreement, consisting of seventeen articles and three supplementary ones, presented by the Japanese Delegation at Dairen on September 25, 1921, is in no way in accord with the principles declared by Mr. Shidehara concerning the noninterference with Russia's domestic affairs and the principle of equal opportunities to all nations. . . . The Government of the Far Eastern Republic is of the opinion that the systematic assistance rendered by the Japanese authorities to the Russian counter-revolutionaries in the Maritime Province fighting against the Far Eastern Republic cannot be regarded as a consequence of noninterference with Russian affairs." The Minister cited a number of instances to sustain this statement.

tion of the Pacific islands, and by the Four-Power Treaty. Secondly, it was to prevent the diplomatic intervention of the Western world in the suzerainty Japan has attempted to set up on the Asiatic mainland. The achievement of this second aim was shown by the failure of China to secure tariff autonomy and tariff increases sufficient to make the creation of a strong central Government possible. It was shown by the failure of China to regain the economic control over Shantung; to shake in any material respect the position of Japan throughout Manchuria; to fix a date by which Japanese troops throughout China generally are to be withdrawn. The achievement of this aim was also shown by the failure of the Conference to define existing commitments and concessions in China, and its failure to set up machinery which may test their validity. It was shown, finally, by the almost complete ignorance of the Siberian Question, and especially by the failure to fix a date by which Japanese troops there must be evacuated.

The Japanese, indeed, agreed to a great number of declarations "in principle" concerning China and Siberia. Those which concerned the Open Door were brought together in the Open Door Treaty, signed February 6, 1922, the important articles of which follow:

ARTICLE I

The Contracting Powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;[47]

[47] The word "establishing" implied that the Open Door did not now exist.

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE II

The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or individually or collectively, with any Power or Powers, which would infringe or impair the principles stated in Article I.[48]

ARTICLE III

With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers other than China, agree that they will not seek, nor support their respective nationals in seeking;

(*a*) any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

(*b*) any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisitions of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present Treaty or not.

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[48] See p. 176.

ARTICLE IV

The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE V

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese Railways.

The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

ARTICLE VI

The Contracting Powers, other than China agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE VII

The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned.[49]

Article I of the Treaty reasserted the Root Principles adopted at the opening of the Conference. Article II at-

[49] See Appendix I, Treaty VI.

tempted to prevent the negotiation in the future of such agreements as the Lansing-Ishii Agreement or the Anglo-Japanese Alliance. Articles III and IV reëmbodied the Open Door Resolution, but now omitted all reference to the Board of Reference which was made the subject of a Resolution;[50] Article V reënacted the Nondiscriminatory Railway Resolution; Article VI was designed to prevent such violations of Chinese territory as were committed by the Japanese in the campaign against Tsingtau in 1914.[51]

According to the wording of the Treaty, these Articles related merely "To Principles and Policies *to Be Followed* in Matters Concerning China." The Open Door Treaty, consequently, had nothing whatever to do with vested rights. And if the Door had been closed in China before the Conference began, it remained closed when the Conference came to an end.

Such declarations as to future policies were made in the Hay correspondence of 1899 and 1900; in the Anglo-Japanese Alliances of 1902, 1905, and 1911; in the Franco-Japanese Agreement of 1907; in the Russo-Japanese Agreement of 1907; in the Root-Takahira Agreement of 1908, and in the Lansing-Ishii Agreement of 1917. They were likewise made in regard to Korea in 1902 and to the evacuation of Siberia in 1918 and in 1920 and of Manchuria in 1905, and of Shantung in 1914 and 1919. Yet despite these promises Japan now remains in Korea and Siberia and Manchuria, and she is withdrawing from Shantung, after being compelled to do so by the outraged opinion of the world; but then only after having made certain of her economic control. There is little reason to believe that a mere reiteration of a long line of promises will change the present position or prevent the future progress of the Japanese military machine, especially when the fear of armed intervention from abroad no longer exists.

[50] See Appendix I, Resolution 3. [51] See Cheng, *op. cit.*, 241.

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Although the Open Door Treaty is therefore of little practical value, it possesses minor advantages which should not be ignored. First, it makes the meaning of the term "equality of commercial and industrial opportunity" more definite. Japan can no longer plead that the Open Door policy does not prohibit discriminations in concessions or monopolies.[52] Second, the Treaty places the powers on record as being in favor of the integrity of China, although it does nothing to secure this integrity against the encroachments of Japanese imperialism. Nevertheless, this provision is important. Throughout the Conference there was a danger that the powers would recognize the "special interests" of Japan in Manchuria and elsewhere in return for her accession to the Naval Agreement.[53] Theoretically, at least, the provisions of the Open Door Treaty avoided such a tremendous concession. Of equal importance was the fact that this Treaty again reasserted the traditional Oriental policy of the United States which had been indirectly forsaken by the Wilson Administration, in the Lansing-Ishii Agreement which recognized the "special interests" of Japan in China. This Agreement was now terminated "because the negotiation of this Treaty is in itself the most formal declaration of the policy of the Executive in relation to China and supersedes any Executive understanding or declaration that could possibly be asserted to have contrary import."[54]

If the Conference had been able to create some machinery to settle disputes arising out of the principles of the Open Door, its success would have been unmeasured. A provi-

[52] See p. 294.

[53] It was reported that Japan asked for the recognition of a protectorate over Manchuria and Mongolia and of a British protectorate over Tibet at the very beginning of the Conference. Manchester *Guardian* correspondent, as in Japan *Weekly Chronicle*, November 24, 1921.

[54] President Harding's letter to the Senate, New York *Evening Post*, March 8, 1922.

sion was actually made, as we have seen, for the establishment of a Board of Reference. But it is unlikely to be of much value. Because of the attitude of the other powers, its jurisdiction was limited so as to exclude disputes arising over existing concessions. Consequently, the Board of Reference can do nothing as far as the present situation in China is concerned. Even as regards the future, the Board is not likely to be effective. Its only powers are those of investigation. And its creation is postponed until the Special Conference to revise the Chinese tariff meets in China. It is therefore likely to be of secondary importance—a mere organ of administration. In fact, it is not certain that the board will ever be created. This Special Conference has no power to create the board. It merely draws up a plan "for the approval of the powers" who are free to reject it at will. Moreover, no mention of the Board is made in the Open Door Treaty. But it is relegated to an apparently insignificant resolution.[55] Japan may ratify the Open Door Treaty—supposedly an outstanding achievement of the Conference—but reject the resolution, which to the general public is of minor interest, but which is necessary to make the principles effective, even partially.

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[55] None of the Resolutions adopted by the Arms Conference were transmitted by the President to the Senate for ratification. See *Congressional Record*, February 10, 1922, 2681. Apparently they are considered to be merely Executive Agreements, which do not require the consent of the Senate. While most of the subjects dealt with by the Resolutions involve matters controlled by the President through his power to direct foreign relations and the military forces of the United States, nevertheless, the effect of these resolutions as a whole is weakened by the failure of the Senate to agree to them. Those resolutions which define the policy of the United States, *in re* existing commitments and the Board of References are therefore binding only on the Harding administration. They are not the supreme law of the land. On the general status of Executive Agreements, see Corwin, *The President's Control of Foreign Relations*, (1917) 117-125; Mathews, *The Conduct of American Foreign Relations*, (1922) 177-183.

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IX

The success of the Japanese at the Washington Conference was due to this ready adherence to declarations "in principle" which the Conference was forced to accept at their face value and in the sincerity of which the general public probably believed. But a greater reason for the success of the Japanese was their great bargaining ability, which was due not so much to the skill of the Japanese diplomats, but to the nature of the issues involved.

In the first week of the Conference, the Japanese Delegation adhered "in principle" to the naval proposal. But it raised questions as to details, particularly in the case of the *Mutsu* and the Bonin Islands[56] which prevented the completion of the Naval Treaty until the Conference was about to close. It was likewise with Shantung. The evidence is indisputable that the Japanese Delegation withheld final approval as to these settlements, which from the standpoint of the American public were most important of all, until it was assured that Japan's position in regard to the Pacific islands, Manchuria, and Siberia would be left undisturbed.

From the outset the coöperation of the French and Japanese Delegations was noticeable. Baron Kato rallied at once to M. Briand's efforts to strike land armaments off the agenda. The Japanese Delegation also supported the French position on the question of the submarine ratios. In return, the French Delegation objected to giving the Board of Reference the right to inquire into existing concessions, and also to the publicity of private contracts. During the discussion of the Siberian Question, M. Sarraut declared that "France had full trust in Japan who had

[56] See pp. 159, 167.

always proved a loyal and trustful friend." As for more minor examples, it was M. Viviani who moved to defer the withdrawal of troops from China, in which he was supported by Mr. Hanihara; and it was the two Delegations together who weakened the right of China to search foreign mails, etc., for contraband (1).

In the light of these facts it is not at all remarkable that the publication in the midst of the Conference of the alleged Franco-Japanese agreements[57] should confirm the belief of many that an understanding had also been reached between the two nations as to their policies at Washington. As far as submarines and land armaments were concerned, the interests of both nations were in common. It seems, moreover, that the representatives of the Quai d'Orsay came to Washington believing that the Conference had been called to settle Anglo-American disputes, and that the best interests of France would be served by adhering to the position of the United States whenever it conflicted with that of Great Britain. By such tactics France hoped to secure our support for her European policy against that advocated by the British. But this policy failed at the outset. The harmony of the Americans and the English then led the French to believe that some "understanding" between these two nations had been arrived at before the Conference.[58] Feeling their isolation, it is reasonable to believe that the French thereupon sought the only remaining ally—Japan. Such would be the tactics of the Old Diplomacy which appears to be still guiding the chancellories of Europe. Perhaps France did not enter into any agreement with Japan. Perhaps the coöperation of the two Delegations was entirely unconscious. But at any rate, the coöperation was so obvious that, together with the French position in regard to submarines and armies, the

[57] See p. 35.
[58] See "La Clôture de Washington," *Temps*, February 8, 1922.

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prestige of a nation which formerly was called "The Soldier of God" suffered violent injury.

X

But France was not the only nation to submit to the supremacy of Japan in the Orient. There was another—the United States. The policy of the American Delegation, as recorded in the last few pages, was uniformly "pro-Japanese." Only once throughout the Conference did our Delegation question the vested interests of Japan in China. That was in the original draft of the Open Door Resolution which, upon the protests of Japan, Mr. Hughes immediately withdrew. President Wilson had actually fought for his Fourteen Points at Paris, although he was defeated there; but Mr. Hughes admitted defeat from the very first.

One explanation of the American policy at Washington was given in an impatient telegram to Shanghai from the "People's Delegates" of the Chinese Republic, David Yui and Monling Chang. They wired that "present American Government tries to pacify China by helping secure some insignificant gains but will sacrifice China's vital interests in order to accomplish success of naval reduction, thereby strengthening the position of Republican party."[59]

Undoubtedly, this was one factor which explained the policy of the American Delegation. After having prevented the entrance of the United States into the League of Nations, the Republican party was pledged to do something constructive for the peace of the world. Disarmament seemed—and it undoubtedly was—a step in this direction. Although it had nothing to do with the real issues of war, it meant the savings of millions and it would be interpreted as a harbinger of peace—both of which meant votes in an election campaign.

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[59] *Weekly Review of the Far East*, December 17, 1921.

But the American Delegation could not secure the Naval Agreement if it should attempt to compel Japan to surrender her supremacy in the Orient. In fact, this demand would have led to war. Japan's position is the result of a long and carefully worked out policy of expansion, and the Japanese military party will not give it up merely because of an appeal to conscience or of a threat. But obviously the American people would never agree to a war with Japan to enforce the policies of self-determination and of the Open Door.[60] The interests of this country in the Orient are as yet too limited. But even if it should be possible to arouse the crusading spirit amongst our people, it is improbable that a war fought against Japan in Far Eastern waters would, from a military standpoint, ever be successful. Even if we should build new and bigger battleships, and construct superbases in the Philippines and at Guam, we could probably never win a decisive victory over Japan on account of her geographic location. Neither is it probable that the United States could drive the Japanese out of Asia proper. This would require a man power which our transports could not possibly carry to Asia, and which at present cannot come from Siberia or China.[61] Under any conditions, it is inconceivable that this country could fight a decisive war against a nation itself of great military strength and located 5,000 miles away.

Even if such a war should prove successful in driving Japan out of Asia, the Oriental problem would by no means be solved. The reconstruction of China undoubtedly would be hastened if the obstacles which Japan interposes should be removed. But in itself this would mean nothing. War would not instill into the Chinese the capacity for self-gov-

[60] The American Advisory Committee received only 6,542 resolutions asking that Far Eastern questions be included in the Conference, while 11,642,685, asking for coöperative limitation of armaments, and 10,093,845 "Pleas for Divine Guidance," were received.

[61] *Cf.* Pitkin, *Must We Fight Japan?* (1921), Chapters 12-15.

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ernment which is essential to true national life, and it would not readjust their ideas nor their environment to modern civilization. On the contrary, the intervention of the United States in the Orient would in all probability delay the solution of the Far Eastern problem. It has been the expectation of such assistance which up to the present has led too many of the Chinese people to believe that sacrifice on their part is unnecessary because American aid will soon be at hand. If the United States should drive the Japanese out of Asia, it could not withdraw without first creating a strong Chinese Government able to resist further Japanese aggressions. We would then be responsible for China's future. And as China would be no more likely then to unite herself than now, we would probably be obliged to maintain troops in China indefinitely, and also to establish some form of protectorate there. But in the case of a country of 400,000,000 people, this would be plainly impossible. The attempt, if made, would delay the efforts of the Chinese to govern themselves. And, it would place before this country an irresistible temptation to exploit China for material ends, and in order to compensate us for the blood we would be obliged to shed in her behalf. American imperialism would then become a reality.[62] But if we should fail in our attempts to stabilize China, Japan would again have a free hand, its appetite for imperialism more whetted than ever by the temporary intrusion of the United States. From whatever angle it be approached, war could not possibly solve the Far Eastern Question. Consequently, a large American navy and huge fortifications in the Pacific would do no good and would serve only to increase the hostility of Japan against the United States.

Such was the conclusion which the American Delegation undoubtedly arrived at before the Washington Conference

[62] See a suggestive article, Peffer, "The Playground of the Spoilers," *Century*, January, 1922.

opened. It was therefore sincere in wishing to achieve limitation of disarmament at the cost of the Far East, and then do what it could to restrain Japanese imperialism by moral pressure.

As we have seen, the American Delegation succeeded, at least partially, in the first part of this program, but it failed almost entirely in the second. After a certain point, the only pressure the Japanese military hierarchy recognizes is force, which the Conference decided—and wisely—not to use. Consequently, it kept its hands off the Far Eastern situation, and gently informed China and Siberia to save themselves. This advice was not chivalric but it was sound. And one of the wholesome results of the Conference is that it has awakened China to the fact that her salvation lies primarily in her own hands.

Although the existence of Japanese imperialism prevented any fundamental adjustments in the Far East, the American Delegation might have secured a number of additional concessions if it had been more bold. It should have attempted to eliminate Article II of the Four-Power Treaty. It should have insisted on a higher tariff increase for China. It should have worded the Publicity Resolution so as to compel the publication of existing contracts. It should have insisted on the creation of some machinery to do for China and Siberia what the Four-Power Conferences are to do for disputes in regard to the Pacific.[63] It should have fixed a date by which the Japanese must withdraw from Siberia. It is very probable that the Japanese would have agreed to these demands, if pressed, before they would have dared to bolt the Conference.

However, the most serious charge which can be brought against the American Delegation is that it misrepresented the actual achievements of the Conference to the American public. It was heralded as a universal success, not only

[63] See p. 191.

by the newspapers, but by the President of the United States and members of the Delegation itself.[64] Whether these self-imposed compliments were due to inflated self-esteem, domestic politics, or diplomatic urbanity, they all worked to the advantage of Japanese imperialism which many people now believe never to have existed.

XI

The Washington Conference did not fail. It made war between Great Britain and the United States impossible, and it postponed—let us hope indefinitely—war between Japan and the United States. Three years before at Paris, Mr. Wilson had purchased the League of Nations with the Treaty of Versailles. Peace at Washington was purchased at the sacrifice of the Open Door. The price in both cases may be criticised as exorbitant. But Mr. Wilson secured a form of procedure which may eventually change the onerous terms of the Paris treaties, while Mr. Hughes merely surrendered the instruments of force which, if used, would have aggravated the Far Eastern Question, but which, if given up, would restrict that question to the Orient. The Washington Conference did not succeed in establishing the equality of commercial opportunity in China. This question will remain a source of controversy,

[64] *Cf.* President Harding's speech of December 7 to the Red Cross, in which he said, "We are going to succeed beyond our fondest hopes," and Secretary Hughes' statement at the last Plenary Session that "We have been successful because we have not contented ourselves with the expression of pious hopes, but rather have devoted ourselves to the realization of the hopes which for a generation have been entertained." This statement may have been true if limited to the Armament settlement; but it certainly was incorrect to apply it to the Conference as a whole. Many Chinese believe that the resignation of Dr. Philip Tyau, in December, was more effective than any other factor in showing public opinion that the "successes" which China was gaining at the Conference, were illusionary. They assert that after that resignation the American Delegation exerted itself more firmly in China's behalf.

but it will affect only a few traders. Yet the Conference did exclude the Oriental problem from the Pacific, from the Western coast of the United States, in fact, from the Western world. It prevented it from becoming a world problem —at least for a quarter of a century.

While the Washington Conference did this much, it did not succeed in easing the Far Eastern situation in itself. On the contrary, it strengthened the position of Japan and it increased the hostility of the Chinese and Siberians toward the Japanese. The Conference was unable, due to no fault of its own, to alter Japanese imperialism and the military machine responsible for its existence.

There is only one force which can now be brought to bear upon Japanese imperialism. That force is world opinion, which Mr. Root at the Fifth Plenary Session of the Conference, declared to be "the greatest power known to human history." It is this moral force, slow-moving and intangible as it is, which may obstruct the activities of imperialism; which may encourage the Japanese people to drive the military party from power; which may convince them that imperialism profiteth no nation or people.

Such indeed is the theory. But at the present time, the moral opinion of the Western world has little influence on the peoples of the Orient for reasons which will be discussed in the next chapter.

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CHAPTER X

THE CRUX OF THE SITUATION

As a result of the Washington Conference, the intervention of foreign powers in the progress of Japanese imperialism on the continent of Asia is more impossible than ever. China is in no position to check its activities because her people are too disorganized, her resources are too undeveloped, and her officialdom is too corrupt. Nevertheless, Japanese imperialism must be peacefully overthrown, if possible, for two reasons. First, because its existence endangers the peace of the world. The history of all imperialisms shows that the lusts of militarism are insatiable. The Japanese military machine, as far as its ambitions are concerned, will not stop with the conquest of China but will eventually threaten other parts of the world.[1] In the face of an unobstructed imperialism, no agreement to limit armaments will be worth the paper it is written on. Secondly, Japanese imperialism should be overcome for the sake of the Japanese people. The defeat of England in the Hundred Years' War was one of the most fortunate events in the history of the world. A victory would have involved England in the contentious politics of the conti-

[1] Ultimately, the Chinese and Russians will, on account of their very preponderance in population, drive the Japanese out of Asia by force, if the latter do not first peacefully withdraw. But such a war would be harmful to Asia and the whole world. Consequently, the same object should, if possible, be attained by peaceful means.

nent. It would have required the maintenance of armies to defend foreign interests and frontiers which would have enthroned militarism in England indefinitely. It would have prevented the development of the culture and the institutions which have made England great. For similar reasons, the continued advances of Japanese imperialism upon the Asiatic continent will be disastrous to the real greatness of the Japanese people. Japanese imperialism may not be worse than Russian or German imperialism. But such arguments in defense of the past policies of the Japanese military party merely beg the question. The results of imperialism are always disastrous, not only to those responsible for it but to the innocent as well. German imperialism was bought with the souls of young men, compelled to waste the best years of their lives in sullen barracks or on tinseled parade. It was purchased with the blood of the German people. It is now being paid for with the economic disruption and the frightful nationalistic hates of the whole world. But German imperialism is no exception. The dead fruits of Pan-Slavism are to-day being gathered in the famines and plagues and pestilences of the Volga provinces of Russia. Likewise, the Japanese people will inevitably expiate the crimes of Japanese imperialism, if the military party responsible for it is not driven from power.

I

This is a task which falls only on the Japanese people. They have already made a few feeble protests against the irksome exactions of the bureaucracy which grinds them down. Japanese boys have been found wearing Shinto amulets to escape conscription. Yukio Ozaki vented the protests of many when in February, 1921, he introduced a motion in the House of Representatives for the reduction

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of naval armaments. Official Japan would have nothing to do with his proposal. His motion was not only defeated but he was expelled from his own party, the Kenseikai.[1] However, thousands of students, business men and laborers supported the campaign which Ozaki now waged throughout the country. So successful did his efforts prove to be that ninety-four per cent of the straw votes on the subject supported his proposals.[2] The Tokyo Conference of the eight leading Chambers of Commerce also indorsed the movement. The *Jiji* was bold enough to declare that the Japanese naval program would only lead "the State to bankruptcy and end by Bolshevising the ideas of the nation;" while such a journal as the *Oriental Economist* actually had the courage to demand that Japan give Korea its independence and even withdraw from China. "Suppose," it declared, "that Japan abandoned Manchuria and Shantung, discontinued every pressure which China is believed to be subjected to at the hands of Japan, and granted freedom to the Koreans and the Formosans, then both Britain and America would be reduced to an exceedingly distressing position. . . . In that case China and other weaker nations would bow to Japan in confidence."

Within recent years, a demand for universal suffrage has been made. During the last year, bills have been introduced into the Japanese Diet which attempt to make the censorship more liberal; to abolish the three-class voting system of the municipalities; to secure universal manhood suffrage; to permit the participation of women and priests in public meetings. The Rice Riots of 1918 were a significant indication of the trend of the times, not because they drove the militarist Terauchi Ministry from power, but because they aroused a feeling of class consciousness among

[2] Nominally, because he had introduced his bill without first consulting the party chiefs. Japan *Advertiser*, February 5, 1921.
[3] I. Kawakami, *Disarmament in Japan* (pamphlet), 1921.

the working classes for the first time in the history of the nation.[4] Since that time the Japanese labor movement—represented by the Japanese Federation of Labor, headed by B. Susuki, and the Socialists, led by T. Sakai, has been courageous enough to show its head. Labor organizations raised such a storm at the selection by the Government of Japan's "labor" delegate to the International Labor Conference at Washington in October, 1919, that even the hand-picked delegate was forced to make many more concessions than the Japanese capitalists approved.[5] Most astonishing of all, was the great Kobe shipyard strikes which occurred in the spring and summer of 1921. In the midst of industrial depression when the odds were hopelessly against them, the Japanese workers were bold enough to demand (1) higher wages; (2) "retiring allowances," at the time of discharge—virtual bonuses in some cases amounting to $200; and (3) the participation of labor in the management of industry. The reckless courage of these demands far exceeded their wisdom; but they won for Japanese labor, in some factories, the right of collective bargaining, and paved the way for the eventual removal of the restrictions on the right of organization. These assaults on a feudalized industry are an omen of what may await the military machine.

When a fanatic struck down Takashi Hara in the railway

[4] See the *Socialist and Labour Movement in Japan*, by an "American Sociologist," Chronicle Reprints, No. 2. Also Solano, *Labour as an International Problem*, (1920); Oka, "Labour Legislation in Japan."

[5] For an account of the selection of these delegates, etc., see Ayusawa, *International Labor Legislation*, Columbia University Studies, (1920) 216 ff. For the draft conventions, accepted by the Conference, see *International Labor Conference* (League of Nations), First Annual Meeting, October 29, 1919—November 29, 1919; Government Printing Office, Washington, 1920, 256 ff. For Japan's modifications, see 230. They are scarcely worth printing because the Japanese Government failed to ratify them. This is equally true of the other Allied Governments who were parties to the Conference.

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station in Tokyo, in November, 1921, the outstanding leader of the Japanese liberal movement came to an untimely end. Hara was the first Commoner ever to become Prime Minister in Japan. Modest and unassuming in private life, he aimed from the first to sweep aside all the theocratic trapperies which separated the Government from the people. His predecessors had addressed the Diet as "This Imperial Minister." Mr. Hara simply said "I." He always refused the protection of the plain-clothes policemen, hitherto invariably attendant on Cabinet members. As Premier he traveled in second-class railway carriages and in tram-cars.[6] The great simplicity of the man was shown by a few provisions in his will, which read as follows:

1. The conferment of a peerage or the raising of Court rank, even if it may be announced by the gracious wishes of the Emperor after death, shall be absolutely declined.
2. The funeral shall be performed at Morioka, my native place, and neither the detailing of a guard of honour nor the presence of floral tributes shall be accepted. . . .
4. My gravestone shall not bear any inscription indicating my title or rank, but shall simply be inscribed "Hara Takashi's Grave."

In his public life, he appears to have been equally earnest. He attempted to suppress opium smuggling in China, only to have his efforts thwarted by the bureaucracy.[7] He was known to favor eventually a Ministry of Health and a Ministry of Labor; Universal Suffrage; the legalizing of trade unions; and the reform of the House of Peers. His great political achievement was that he aligned the civilian-political elements in Japan against the militarist-bureaucratic elements,[8] and that he was successful in holding a

[6] Count Soyeshima, "Hara Takashi," Japan *Weekly Chronicle*, December 15, 1921

[7] See "The Drug Trade," *Ibid.*

[8] "Mr. Hara's Political Achievement," Japan *Advertiser*, November 9, 1921.

party together which was really devoid of any common principle or aim.

But despite Mr. Hara's efforts, Japanese liberalism stands on very shaky legs. Hara did nothing fundamentally to shake the power of the military machine. It was during his Ministry that many of the most outrageous acts of Japanese militarism were committed. His passing has resulted in a campaign of reaction, similar to that once waged by Attorney-General Palmer in the United States. The new Prime Minister, Viscount Takahashi, at one time declared himself to favor the abolition of the General Staff. But now he believes in the excoriation of all "socialists," and asserts that "Japan can learn much from America" in this regard!

Moreover, the advent of democracy in Japan does not necessarily mean the death-knell of imperialism in Asia. Many of the protests against huge armaments have arisen merely to be relieved of an overwhelming financial burden. It was the supposedly Great Democrat of Japan, Marquis Okuma, who imposed the Twenty-One Demands on China. Count Soyeshima, another Japanese "liberal," is willing enough to admit that Japanese foreign policy has been mistaken in the past and that it must be revised in the future. But past acquisitions must be left undisturbed. This is the doctrine of the Accomplished Fact. What's Done Is Done! Mr. Ozaki, the Apostle of Disarmament, is in the same category. He insisted that the Washington Conference keep its hands off Korea and Manchuria. Viscount Takahashi himself once suggested that Japan should withdraw from the Consortium, if it should stand in the way of a "generous" loan policy toward China.[9]

The question therefore must be answered—Why is the Japanese liberal movement so weak and why are so many

[9] See p. 50.

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Japanese liberals imperialists? The answer is simple. The military party has been successful in making the Japanese people believe that their very existence depends upon territorial expansion, and that a strong military government is necessary to secure this end. It has also been successful in making them believe that the white races wish to subjugate the Japanese and dominate the world, and that, therefore, the Japanese must control Asia to prevent it from falling into the hands of greedy Western powers. Using these arguments, they have blinded the eyes of Japanese at home to the activities of Japanese militarism abroad. Those activities which they cannot conceal they vindicate by these charges which on their face are absurd. Yet there is much to justify them.

II

Imperialism has been marked by three characteristics in the past. Originally, it was political. Wars were fought to increase the dynastic prestige of sovereigns. But the time came when monarchs were forced to bribe their peoples —who threatened to rebel under the oppressive burdens which militarism had imposed. Imperialism then became economic: wars were now to be waged to obtain wealth which the people were led to believe would be divided among the conquerors, great and small. Consequently, peoples rallied for a time to the support of economic imperialism. But eventually they learned, to their sorrow, that most of the wealth which these wars were to bring them, went to a few interests who had no intention of sharing it with the commonweal; that the cost was out of all proportion to the returns; that the policy was essentially immoral. Militarism was obliged, therefore, to devise another argument: this time it produced one which is nearly impregnable—biologic imperialism. It asserts that annexations and wars are indispensable if peoples are to secure ac-

cess to food which is necessary to keep them alive. This argument is much stronger than that of economic imperialism. Biologic imperialism appeals to the instinct of self-preservation; economic imperialism to the instinct of acquisitiveness. Both instincts are powerful. But of the two, that of self-preservation is by far the stronger. The instinct of acquisitiveness may be tempered by morality. But the instinct of self-preservation knows no higher morality than itself; any measure designed to preserve the lives of the Japanese becomes justified. In fact, within the last few months it has obviously been the policy of the Japanese military machine to confess to its designs or at least to its past activities, but to justify them by the law of necessity. This has been notably true in the case of Manchuria.

The militarists have found abundant facts to prove that the food situation in Japan is acute. At the present day Japan is attempting to feed a population half that of the United States, but on land actually smaller than the state of Texas, and only about one-fourth of which is arable. Furthermore, the population of Japan is increasing at a rate faster than that of any other civilized nation in the world, except Germany and Rumania before the war.[10] The increase between 1909-1913 was 14.78 per thousand and between 1914-1918, 12.06 per thousand—and this, despite the fact that its death-rate is greater than most nations. During the last fifty years its population has increased about seventy per cent, averaging between 600,000 and 750,000 annually. If it increases during the next half century as it has in the past, it is not unnatural for the Japanese to believe that they will be literally crowded off their beloved islands into the sea. Unlike the Irish or the Germans or the Italians, the Japanese are not free to leave their homes and migrate where they please. They are excluded from the Pacific Coast, from Canada, and from

[10] Japan *Year Book*, 1920-1921, Chapter IV, "Population."

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Australia. Little wonder that they should accuse the White Man of selfishness when they read figures such as these:

POPULATION DENSITY PER SQUARE MILE

Japan proper	392.61
Canada	2.24
Australia	1.67
Brazil	8.09
Argentine	7.19
United States	29.85
California	21.65[11]

The indignation of the Japanese at this state of affairs was vividly expressed by the Tokyo *Mainichi* a short time ago in an editorial which declared, "What right have the Americans to exclude the Japanese? God gave America to humanity as a whole, not to the Anglo-Saxons alone. It is against the will of God for a particular race to monopolize a land of America's natural resources and exclude other races. . . . A land with large resources is under the obligation of supporting a large population, and the inhabitants of a region lacking in resources has the right to emigrate to other places richly endowed by Nature. . . . But the Americans obstruct this natural right of the Japanese. Outrageous! They speak of the principle of humanity, but they act against the mandates of God. . . ."

Despite this appeal to theology, the majority of the Japanese statesmen are now apparently reconciled to the prohibition of Japanese immigration by Western countries. Nevertheless, they are not less exacting in their demands. They have asserted that if the white races deliberately close the Western world to the Japanese, they are morally bound to give Japan a free hand in Asia, or in South America, or in the islands of the Pacific. They have declared that the

[11] Adapted from the *Statistical Record of the Progress of the United States, 1800-1920*, Department of Commerce, (1920) 826.

law of national self-preservation compels Japan to seek an outlet on the mainland. If the Western world attempts to coop them up at home, they will fight.—"For our people cannot starve."

This argument may be reduced to three propositions: the population problem is acute; colonization is the remedy; annexation, either open or disguised, is necessary to colonization. Does logic compel America to admit the justice of Japan's position?

III

Although the population problem of Japan is acute, nevertheless it has been exaggerated—perhaps purposely.[12] The population of Japan has commonly been reported to be as high as 70,000,000; and its annual increase to be 800,000. The first figure, which includes Korea, etc., is for that reason, misrepresentative; the second is exaggerated. No accurate census was ever taken until October, 1920. Hitherto, population figures had been secured from the registry offices of local communities and estimates were made on the basis of births and deaths. Usually, no notice was taken of those who left the community where they were born. This system not only led to omissions, but to exaggerations. Every community wishing to obtain some concession from the Government reported as large a population as possible, for the size of the grant depended on the number of its people. In Tokyo, the census returns of the City Office and the Police differed as much as 300,000

[12] Japan's population argument was run into the ground by the news agencies just before the Washington Conference. The motive in advancing the argument was quite clear. It may be more readily understood in the light of a report from Peking that the Japanese Government appropriated $1,000,000 to be spent on propaganda during the Washington Conference—to picture the deplorable state of affairs in China and the need of Japan for a population outlet. See Tong, "Chinese Pessimism Over the Pacific Conference," *Weekly Review of the Far East*, September 17, 1921.

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or twenty per cent of the total, the latter basing their estimates on house-to-house calls. As a result of the introduction of a modern census in 1920, it was found that the population of Japan proper was not 70,000,000 but 55,961,140,[13] and that, for example, the city of Tokyo actually had only 2,173,162 inhabitants, although it had claimed a population of 3,000,000. Furthermore, the increase of population in 1919 was remarkably low. Deaths increased nearly 300,000 over those of 1918, the total being 1,513,000. There were 1,823,000 births, a decrease of 18,000. Instead of being 800,000, therefore, the excess of births over deaths in 1919 was only 310,000.[14] As a result, the people of Japan are now being deluged with the solemn warnings of many newspapers that the nation is facing race suicide!

As a matter of fact, the agricultural system of Japan can be made to yield larger returns. Probably because there are 5,500,000 families who depend on the soil for a living, the average farm in Japan only is about two and a half acres in size.[15] These plots are intensively worked, but merely by hand labor because they are so small. There is not room for machinery and scarcely for horses. Despite the intensity of the methods employed they are necessarily archaic. Three and a half days of labor in Texas raises one-third more rice than one hundred and ten days of labor in Japan.[16] Furthermore, these plots are often scattered about in such a manner that one farmer wastes his time and his energy in going from one to another. The Government has undertaken to improve this defect by "adjusting farms." A special sum has been set aside to consolidate these scattered holdings which embrace about twenty-seven per cent of the total acreage of paddy fields. The abolition

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13 New York *Times*, March 2, 1921.
14 Los Angeles *Times*, November 18, 1920.
15 Scott, "The Way of the Farmer in Japan," *Asia*, October, 1920.
16 Pooley, *Japan at the Cross-Roads*, 300.

of boundary ridges separating these plots, better drainage and the combination of small tracts will increase the yield, according to official estimates, fifteen per cent.[17] In addition, a vast amount of waste land is being reclaimed. The 1918-1919 Diet voted to undertake a nine-year reclamation project of more than 600,000 acres.[18] The Imperial Household, which owns about 5,425,000 acres of land, has also placed part of its estates on the market.

Despite the fact that the growth of cities gradually encroaches upon the amount of land available for cultivation, it is believed that the amount still capable of reclamation will be able to produce, theoretically, 175,000,000 bushels of rice annually, or nearly nine times the amount which must now be imported to feed the people.[19] It is unlikely, however, that Japan will be able permanently to feed its own population. It is increasing too rapidly. Nature has been too niggardly with her gifts; the land is too mountainous; it is too limited in quantity. Although the increased productivity of the soil may alleviate the food crisis for a number of years, eventually some other solution must be found. Consequently, the military hierarchy has said: "We must establish colonies abroad—it is a matter of life or death."

IV

But surely this argument cannot be used to advocate imperialism in China.[20] The Asiatic littoral is as thickly populated as Japan itself. Shantung has a density of 528 per square mile, and Korea of 202.12. It is true that Manchuria has a population density of only 23.4 persons per

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17 *Year Book*, 542.

18 *Ibid.*, 538.

19 On this question of rice, see Huginn, "Japan's Problem of Population and Food," *Trans-Pacific*, November, 1921.

20 For population density by provinces, see China *Year Book*, 1921-1922, 3.

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companies have also entered into contracts with Japanese companies for emigrants. The Japanese Government itself has encouraged emigration to South America by granting the Oriental Colonization $500,000 a year for this purpose, and inducing several steamship companies to make a special rate for emigrants. But despite these efforts, colonization companies in Japan transported only 13,659 households to Brazil between 1917 and 1921; and only 983 of these left Japan during the last year. In the whole of South America, the Japanese own but 27,500 acres of land and lease 232,000 more—about half of their holdings in the single state of California. Attempts to colonize Mexico have been no more successful. A case is now pending in the Tokyo courts in which the Japanese-Mexican Industrial Company is charged with gross fraud. This company purchased 35,000 acres of land in Sinaloa, Mexico, which was to be sold to Japanese on the installment plan. It is alleged that, contrary to the advertisements, the purchasers found that the land was unfit for cultivation and that, in fact, the company did not even own it!

California and the British Dominions seem to be the only places which have proved attractive to the Japanese. Here the climate is more agreeable, wages are high, and occupations resemble those of Japan. But to these countries, the Japanese cannot come. Whether it be due to the corruption which pervades many branches of Japanese officialdom, or to the severity of economic competition, or to the inclemency of foreign climates, or to the traditional stay-at-homeness of the Japanese, the policy of emigration has elsewhere proved to be a complete failure.

Even if the Japanese should prove willing to emigrate freely, emigration will be no permanent solution of Japan's population problem. Not only will it drain Japan of her best blood, but at the most it will grant her only a temporary relief. For a time there will be more room and more

food for those who stay at home. But oncoming generations will soon fill the gap. Emigration merely starts an endless cycle which, after filling Japan, will fill Korea. By the same course of logic, it will demand that after Korea is filled, Manchuria be taken, and then Mongolia and then Siberia. However satisfactory to imperialism such a policy may be, it will conflict eventually with the demands and the rights of other nations in regard to territory and food desired by both.

V

Japan to-day is in somewhat the position of eighteenth-century England. In both nations the agricultural resources have been insufficient to feed a rapidly increasing population. In the case of England the Industrial Revolution proved her salvation, although she too resorted temporarily to colonization. Manufactories were started. The island soon became capable of supporting three or four times as many people as formerly. Now all might earn a living in the factories; manufactures could be exchanged for food grown abroad. England became a nation of shopkeepers, of trade, of shipping—of a navy. To-day she imports four-fifths of her food and one-half of her meat.

Likewise, Japan has been a country attempting to feed her own people. But she cannot continue this policy indefinitely. Hitherto, she has followed the policy of emigration and colonization; but we have seen why this policy has failed and why it will fail as a permanent solution. There is only one other alternative: Japan may become a manufacturing power, and transform her farms into factories. But in order to do this, she must have access to raw materials, a labor supply, and markets. As for the first of these items, Japan is in dire straits. Although comparatively rich in copper, she has a very limited supply of coal. The available resources of coal amount only to 1,238

million tons.[26] Compare with this figure the coal resources of the nations of the world:

Japan	1,238	million	tons
Germany[27]	433,000	"	"
Great Britain	189,000	"	"
Russia	60,000	"	"
Austria-Hungary	59,000	"	"
France[28]	18,000	"	"
Belgium	11,000	"	"
United States	3,838,657	"	"

Matched against the vast coal resources of England and America, Japan's coal supply is grievously insufficient for an industrial nation. The same is true of iron. Japan proper turns out only about 541,000 tons of pig iron annually. The needs of Japanese industry for pig iron in 1918 were about 361,000 tons, and the estimated amount needed for 1928 is 743,000. It is doubtful whether the mines of Japan will be able to meet this future need. The status of steel materials is even worse. Japan proper produces annually about 765,000 tons of steel materials; but its industries at present demand 1,113,000 tons, leaving an annual deficit to be imported of nearly 400,000 tons. By 1928 it is estimated that 2,112,000 tons will be needed, but that the maximum production of the mines will be only 1,270,000.[29] Japan will therefore be dependent on foreign sources of supply if she is to become an industrial nation. In addition, Japan was required to import cotton in 1919 to the value of nearly 686,000,000 yen. Her dependence on the outside world is also shown by the fact that of a

[26] *Year Book*, 565. However, the *Trans-Pacific*, February, 1921, in "Japan's Position in World of Coal," gives the total reserve as 7,971,000,000 tons. But the *Far Eastern Review*, "Ore Resources in Japan," October, 1921, placed the available reserves at 1,738,000 tons.

[27] Inclusive of Silesia and the Saar.

[28] Exclusive of the Saar.

[29] *Year Book*, 561.

total volume of imports in 1919 of 2,173,459,880 yen, nearly three-fourths consisted of raw and semi-raw materials, to be utilized in manufacturing finished products.[30]

Imperialism has offset somewhat this material poverty. Korea is rich in iron, anthracite coal, and plumbago. Northern Sakhalin, just occupied by Japan, contains coal deposits of 3,000,000,000 tons—twice the whole amount in Japan.[31] Its oil wells are already being exploited by the Navy Department, which has set aside 1,400,000 yen for this purpose.[32] Formosa is supplied with some coal, gold and petroleum. The iron ore mines of Korea are estimated to possess ores of about 30,000,000 tons. In China, Japan already possesses the great Taiyeh mine containing about 100,000,000 tons, as well as mines along the Yangtze, holding half as much. She hopes to control the mines of the Shansi province. Additional light will be placed on Japan's attitude toward Shantung when it is realized that in the neighborhood of Tsingtau there is a mine with resources estimated at 80,000,000 tons. As for Siberia, its resources are untold. Only one-tenth of its 934,465 square miles is yet cultivated.[33] Not only in northern Sakhalin but in the Maritime Province great deposits of high-grade coal may be found. In the Trans-Baikal there are large iron deposits, as well as copper, zinc, tin and lead. Japan already relies on Asia for half of her imports. In 1919, Asia supplied her with imports to the value of 1,074,370,271 yen out of a total of 2,173,459,880.

In regard to the third item, labor, the Japanese market should be plentifully supplied, so far as numbers are concerned. From a total population of 56,000,000 people

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[30] *The Twentieth Financial and Economic Annual of Japan*, 1920, issued by the Department of Finance of the Japanese Government, 97.
[31] Japan *Weekly Chronicle*, May 26, 1921.
[32] *Ibid.*, June 2, 1921.
[33] See Polevov, "Mines and Mining in Siberia," *Far Eastern Review*, June, 1920.

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there should be at least ten or fifteen million available men, leaving out of consideration the millions of women and children already employed. The wages of Japanese labor have been proverbially cheap. In 1913, the highest wages paid in the mining industries for a day varying in length between eight and eleven hours was 34½ cents; the lowest was 21 cents.[34] A Japanese carpenter in 1914 received about 52 cents. However, the demands of the war and the general rise of prices increased wages in Japan until a hired man on a Japanese farm now receives from $1.25 to $1.50 a day; while coolies working on the docks receive $1.99 to $2.49 a day.[35] Moreover, Western labor is much more efficient than Japanese labor. It is commonly asserted that it takes three Japanese to do the work of one British artisan. The Japanese *Financial News* reports the opinion that at present six Japanese are required to do the work of one white man, and that in heavy steel industries, ten Japanese are needed to one white man. In regard to the inefficiency of the skilled labor of Japan, Mr. Greenbie has also vividly testified.[36] The value of Japanese labor is therefore dubious. Only experience, education, and a higher standard of living will increase its efficiency.

As for markets, the continent of Asia offers a field of exploitation whose opportunities will continue to increase with the expanding wants of its inhabitants. If Japan is obliged to import raw materials from Asia and from other countries, she will be forced to pay for these raw materials with manufactured articles. Consequently, markets will be automatically created, provided the other nations of the world do not place artificial obstacles in the way of Japanese foreign trade.

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[34] Hershey, *Modern Japan*, 151.

[35] "Wages in Japan," *Monthly Labor Review*, November, 1920, 101. See also Table 32, "Average Daily Wages of Laborers," *Financial and Economic Annual*, 61.

[36] *Japan: Real and Imaginary*, 377.

Despite the dearth of raw materials and the inexperience of factory labor, Japan has made progress toward industrialization during the past ten years. In this period the number of factories have increased from about 15,000 to 22,000, and the number of operatives from 700,000 to about 1,400,000.[37] In 1884, the per capita foreign trade amounted to 1.67 yen; in 1918 it was 63.32 yen. In the last quarter of a century Japan's foreign trade has increased tenfold. At present nearly seven-eighths of her exports consist of manufactures and semi-manufactures. Although the population of Japan increased only twenty-five per cent between 1896 and 1913, her factories and workmen increased 100 per cent during the same period.[38] That Japan has still far to go is shown by the fact that out of a population of 56,000,000, she has less than 1,500,000 factory workers; while in England and Wales, out of a population of 36,000,000 there are at least 9,000,000 factory hands. The total foreign trade of England in 1918 was nearly $9,000,000,000, four times the highest total—in 1919—which Japan has ever seen.

If Japan should become thoroughly industrialized, her population question would be solved for years to come. As long as markets can be found which will exchange food and raw materials for the products which her factories produce, there will be no need for Japanese to move abroad. It is this solution which England, Germany and other European countries have adopted. As a result the population density of seven of these countries is nearly as great as, if not greater than, that of Japan. In England and Wales it is 618 per square mile; in Belgium, 673.35; in Germany, 324.72; in the Netherlands, 509.51; in Italy, 331.80; in France, 191.67.[39]

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[37] *Financial and Economic Annual*, 57.
[38] Abbott, *Japanese Expansion and American Policies*, (1916) 113.
[39] *Statistical Record of the U. S., op. cit.*, 826, 827.

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However, industrialization will do nothing more than postpone the acuteness of Japan's population problem—if the birth rate does not decrease. But there is no inherent racial trait responsible for an excessive birth rate. It is a passing phenomenon, overcome by social development and by a readjustment of economic standards. Between 1880 and 1910 the birth rate declined one-sixth in Prussia and one-quarter in England. Likewise, it has already begun to decline in Japan.[40] Merely an increased living cost will diminish the size of families.[41] Among the laboring classes there are many evidences of an increased standard of living which brings with it a lowered birth rate. The labor movement will awaken the laboring classes to the fact that large families, instead of increasing their incomes, mean cheap labor for the capitalist and low wages for all. The progress of education and democracy, and such studies in birth control as Baron and Baroness K. Ishimoto have made, will tend to bring the birth rate down to a level with the death rate.[42]

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[40] See an editorial, "An Outlet for Japan," *New Republic*, November 16, 1921.

[41] See "Change in Cost of Living in Tokyo, Japan," Report made by special commissioner of Department of Labor, *Monthly Labor Review*, February, 1921.

[42] As the industrialization of Japan is a gradual process, the question will be asked, what is Japan to do until then with the half-million people added to its population annually? In answer it may be said that Hokkaido has room for eight or ten million. The agricultural system can be made to yield rice which will feed many more thousands. The reduction of a budget one-half of which goes to the unproductive expenses of war, will leave more money to be spent for food. Moreover, Japanese now have the right to emigrate to Siberia and Manchuria, and also to the treaty ports of China. As we have seen, they are welcome in South America. But it is natural for China to restrict Japanese immigration because, under a militaristic form of government, it will be suspected of being used to gain political control. If Japanese go abroad to live permanently they must not go as vanguards of a government who wishes to control the territory in which they reside. Japanese must be willing to place themselves under another sovereignty. If they refuse to do so and if they emigrate in great numbers into certain parts of China, the same thing will happen as happened in South Africa

There are many indications that official Japan has itself given up the population argument. Speaking before the Budget Committee of the House of Peers, February 18, 1921, Premier Hara admitted that the population problem was not as pressing as many believed. "There was still room both in Japan and in the districts which might be called Japan's sphere of influence for absorbing the increasing population. The progress of industry in Japan would also need more men. . . . These remedies, the Premier thought, would contribute to the solution of the population problem."[43] In an address before the Kiwanis Club of San Francisco last spring, Mr. J. R. Kennedy, whose past connections with the Japanese Government are well known, declared that the supposed necessity of finding an outlet for Japan's population was a "myth," and that Japan had plenty of room in her present possessions.[44] Governor Inouye of the Bank of Japan later made a similar statement.[45]

VI

But if some elements in Japan have admitted that industrialization will solve Japan's problem, they have brought forward the proposition that annexations are nevertheless necessary to secure the raw materials and the markets necessary for industrialization. If they do not

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before 1899. The Uitlanders, or Britishers, soon came to outnumber the Boers in the Transvaal, but were denied the right of citizenship. As a result, they became strong enough to take the territory away from the natives in the Boer War. It will probably be likewise with the Japanese in China and Siberia, if they go in any great numbers. But in view of past experience, it is unlikely that a great wave of emigrants will ever leave Japan; and that for the next few years there is room enough in Japan and its colonies for its excess population, as well as in those countries who now desire Japanese emigration or who already permit it.

[43] As reported in Japan *Weekly Chronicle*, February 24, 1921.

[44] As reported in *Japan*, April, 1921.

[45] New York *Times*, November 9, 1921.

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use the word "annexations," they use the words, Closed Door—a monopolistic right to exploit parts of the Asiatic mainland. This is the argument, accepted apparently by the Japanese people, which justifies a virtual protectorate over Manchuria. They assume that Japanese factories cannot secure coal unless Japan owns or controls territory which will supply them with that coal, and that if Japanese goods are to find foreign markets, Japan must control those markets. The fallacy of this reasoning is shown by the present status of Japanese foreign trade. In 1920, the total trade between Japan proper and her three colonies of Korea, Formosa and Kwangtung amounted to a little more than $407,000,000. During the same year, Japan's trade with the United States totaled $719,000,000; with India, $293,000,000; and with England, $175,000,000. These figures show that Japan is dependent for trade, not so much on her colonies, from which she virtually excludes all foreign competition, as on the United States, Great Britain, and India, over which she has absolutely no political or economic control. As for raw materials, Japan draws on her colonies to a negligible extent. Korea furnishes her with a limited amount of rice, and Formosa with some sugar and tea. But her cotton comes from India and the United States; her rice from Indo-China and Siam; her sugar from Dutch India; her India rubber from the Straits Settlements; her nitrates from Chili; her wool from Africa and Australia; her iron from China, Great Britain and the United States; her petroleum from America. This shows conclusively that monopolistic "spheres of influence" and concessions are unnecessary to develop markets and trade. On the contrary, the latter arise from the operation of the natural laws of supply and demand. Japan's experience has thoroughly disproved the antiquated adage that "Trade Follows the Flag." Political control is absolutely unnecessary to successful commerce.

It is admitted that the immediate return to Japanese traders from monopolistic concessions in Manchuria or Mongolia perhaps will be greater than if they compete in a "fair field" open to all comers. But as long as the Government permits a few enterprises to monopolize these resources, their profits will not necessarily bring about cheapened food in Japan. They will extort monopoly prices—they will accumulate huge fortunes. If a high protective tariff accompanies these exclusive concessions—and as a matter of fact it does—foreign competition will be excluded; and a fall in prices will be further impeded.

But if Japan seeks the whole world as a market, asking no special favors and receiving none, her people will buy where food is the cheapest and sell where prices are the highest. Her own manufactures will have to meet foreign competition. If they cannot meet it, they must place their capital in industries whose products they can produce more cheaply there than abroad. There is no danger that the manufactures of Japan will fail to find a market, provided no artificial obstacles are interposed. If the United States can manufacture steel more cheaply than Japan, Japan should buy from the United States. But if the United States devotes itself to the manufacture of steel, it cannot fill its other needs. If Japan does not manufacture steel, because it is unprofitable to do so, she will raise silk, which is more profitable. She will exchange her surplus silk for the surplus steel of America. This, in its simplest form, is the principle—indeed, axiomatic—on which foreign trade should be conducted. Human wants are unbounded. Japan or any other nation need never fear that her manufactures will not be disposed of, if international trade is free.

Consequently, there is no theoretical justification for the insistence of the military party that raw materials can be obtained only from exclusive concessions. They can be obtained much more cheaply in a free field. In fact, if

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the Open Door were actually enforced in China, if Japan could invade the British and French spheres of trade, it is very probable that Japan, because of her geographical location, could underbid the merchants of other countries and secure, by legitimate means, a preponderance in Chinese trade.

Force is usually necessary to maintain exclusive concessions. The political catastrophe bound to result from such a policy, we do not need to discuss again. But from the economic standpoint, such a policy is not only unnecessary but, when accompanied by military occupation, it actually hinders trade. The Japanese occupation of Siberia is a case in point. The army controlled the railways and the movement of all goods. As a result Siberian merchants inland, despairing of their efforts to trade through Vladivostok because of Japanese control, diverted their trade to Harbin, with a consequent loss of business to many Japanese. Up to 1917, the Japanese trade with Siberia increased greatly because of the demands which Russia made on Japan, and later, because of the needs of the joint expeditionary force. But the decline of trade since then, while the Japanese have been in sole occupation, is shown as follows:

JAPAN'S TRADE WITH ASIATIC RUSSIA

	EXPORTS	IMPORTS
1919	Y 70,958,261	4,924,982
1920	23,880,772	3,331,634
1921 (4 months)	2,749,000	986,941[46]

Naturally, there are many factors contributing to this decline; but one of the greatest is the control exercised by

[46] "Japan's Trade with Siberia," Japan *Weekly Chronicle*, July 21, 1921. "Exports" are from Japan to Siberia.

the Japanese troops over the ports and means of communication.

This Doctrine of the Closed Door or of exclusive Spheres of Influence is economically unnecessary to the industrialization of Japan, and it will be politically disastrous. If realized, it would merely place a dozen Koreas on Japan's hands, where she now has one. Morally, this justification for economic imperialism stands on no firmer ground than did the German arguments for the absorption of the Near East before the war.

VII

There are, however, two very serious obstacles in the way of the industrialization of Japan, using the whole world as a market on which to buy and sell. The first is the present tariff policy of Japan. The second is the tariff policies of other nations, especially Great Britain and the United States. No nation can build up foreign trade—which is necessary to industrialization—if it maintains a high tariff at home. No nation can sell abroad unless it buys. But no foreign country will sell to a high tariff country, whether the United States or Japan, if it can obtain more for its products at home or in a country which has no tariff. These principles are axiomatic. If every nation in the world had a high tariff wall surrounding it, the condition would be as bad; each would be compelled to produce at home what could be raised more cheaply abroad, because of geographic, climatic or labor advantages. The Japanese tariff was originally framed to protect infant industries—an argument dear to America. But the difficulty is that the children never grow up. To quote the Japan *Chronicle*, "Artificially begotten, they continue to demand more and more support, and vested interests are created which are able to exercise pressure on the Government to continue

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the connection." A slight change was made in the Japanese tariff in August, 1920. This act was framed purposely to protect the "infant industries" created during the war; but as a concession to manufacturers who demanded cheap raw materials from abroad, some thirty-four raw articles were placed on the free list.[47]

However, these were relatively unimportant. Japan still has one of the highest tariffs in the world. The duty has been increased on silk. The rate on iron sheet has been increased some eighteen times—which it is said will vitally injure the Japanese electric workers because they now have to pay an excessive price for material. High duties on steel have been imposed to protect the government steel foundry, the chief steel works in the country. As a result, factories have to pay such a high price for steel that their prices must be increased. The tariff on zinc has also been increased from seventy sen to three yen per 100 kin, in order to make it possible for one or two Japanese refineries to exist. As the paint manufacturers, the largest consumers of zinc, were given a rebate, they did not feel the effects of the tariff. But the copper refineries, the next larger consumers of zinc, were not thus exempted, and the cost of brass plate and brass manufacture has risen accordingly. During the war, Japan exported large quantities of brass plate. Now, however, since the imposition of this new tariff and England's recovery, British brass plate can be sold twenty per cent more cheaply abroad than Japanese. As soon as a tariff is imposed on imported raw materials used in the production of goods, the cost of production is increased so that they cannot compete on foreign markets with foreign goods produced under free conditions. As we have seen, the solution of Japan's population problem depends upon the exchange of manufactures produced at

[47] *Federal Reserve Bulletin*, December, 1920. For changes effective June 1, 1921, see *U. S. Commerce Reports*, No. 136, June 13, 1921, 500.

home for food and raw materials produced abroad. Yet her tariff policy is now an insuperable obstacle.

Likewise, the present commercial policies of foreign nations obstruct the complete industrialization of Japan. This is true first in regard to the policy of the Open Door. This policy, applied to colonial trade, merely means that "no distinction is made between the products of the mother country and those of other countries."[48] In the British colonies, for example, an American merchant would have the same right to trade as a British merchant. As applied to countries such as China, the Open Door means free competition for Chinese trade among the merchants of all nations—upon an equal footing. It is evident that if the Open Door were carried out, international scrambles for the political control of territory would be unnecessary because trade would be independent of political control, and the industrialization of Japan would become more likely because her trade would not be confronted with artificial barriers. But the principle of the Open Door has steadily been losing ground. Despite the efforts of John Hay to apply it to China in 1899, that nation today is largely in the hands of monopolistic concessionaires. In 1896-1897 the Open Door was abandoned in Tunis. The Closed Door was imposed by Italy on Somalia in 1905, in open defiance of the Act of Berlin. The treaty provision granting Spanish merchants the same trading rights in the Philippines as Americans, expired in 1909. In Morocco, the French have virtually enforced the Closed Door to the advantage of French trade. The League of Nations Covenant provided for the Open Door in Class B Mandates, but to the advantage only of members of the League. As an example of the Closed Door in a Class A Mandate, there is the San Remo Agreement between France

[48] *Introductory Survey of Colonial Tariff Policies*, United States Tariff Commission, 35, 78.

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and Great Britain, in which Great Britain secured three-fourths and France one-fourth of the oil output of Mesopotamia.[49] Even Holland has excluded American oil companies from concessions in the Djambi fields. In the Class C Mandates of the League the Closed Door may legally be and in fact is enforced: witness the British exploitation of the phosphate deposits of Nauru.[50]

Deserting the trade policies which have made it great, the British Empire is rapidly becoming a *mare clausum* to outside trade. Within recent years, the idea of Imperial preference has swept like wildfire from England to the Dominions. In 1919, the English Budget granted a preference to all dutiable articles imported from other parts of the Empire. At present the Customs Union of South Africa and New Zealand grants preferential rates to British goods. In 1920, Australia adopted a tariff which also grants British goods special treatment. The Canadian tariff has three schedules, the lowest rate being given to goods imported from England and reciprocating parts of the Empire; a second rate used in reciprocity agreements with other nations, and a third and higher rate imposed on all other goods, including those imported from the United States and Japan.[51]

Moreover, a prohibitive export duty is imposed in the Federated Malay States on tin and tin ore, except when going to the United Kingdom and Australia. Before the war, three-fourths of the palm kernel exported from the British Colonies in West Africa went to Germany where it

[49] This agreement also provided for a division of oil in Persia, Asia Minor, Rumania, Russia and the colonies of each. See Polier, "L'Accord Franco-Anglais Sur Les Pétroles," *L'Europe Nouvelle*, August 1, 1920. For the protest of Secretary of State Colby against this agreement, November 20, 1920, see League of Nations, *Official Journal*, March-April, 1921, 139-141.

[50] See p. 58.

[51] There are some exceptions in case of Japan. On this subject see Culbertson, *Commercial Policy in War Time and After*, (1919) 274-277.

was used in the margarine and soap industries. But in 1916, a British Committee recommended that a surtax of ten dollars a ton be placed on the exportation of palm kernel, to be remitted in case of shipment to points within the British Empire. The object of the tax was plain: after destroying all competition, it was to build up an industry in Great Britain by artificial means.

An export tax of fifteen per cent is also levied on the export of all hides and skins from India; but two-thirds of this tax is remitted when the hides are to be tanned within the British Empire. As a result, the American or Japanese shoe manufacturer has to pay about ten per cent more for hides than the Canadian or Britisher.[52]

These instances of the Closed Door are not only likely to lead to world-wide trade wars, but they will handicap the industrialization of Japan. Even now they place a very bad example before her. If the British Empire attempts to shut itself up from the outside world, and if European nations generally attempt to enforce the Closed Door in the undeveloped parts of Africa and the New East,[53] Japan will have every incentive to enforce the same principle in the Orient.

There have been many Americans who have resolutely defended the principle of the Open Door when applied abroad. But so far they have failed to realize that, although there is a legalistic distinction between the Open Door and

[52] Culbertson, "Tariff Preferences and Discriminations in Trade," *Proceedings of the Academy of Political Science*, ix, No. 2, February, 1921, 37-59.

[53] The present economic policy of the Allied nations of Europe bears a close relationship to that drawn up by the Paris Economic Conference of June, 1916. Here it was decided that during the reconstruction period of the war, most-favored-nation treatment should be denied enemy countries and importations from those countries prohibited or restricted. The Allies were to make themselves economically independent of enemy countries. See Temperley, *A History of the Peace Conference of Paris*, v, 64, 65. Supposedly the Fourteen Points set this policy aside, but its spirit still lives.

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Free Trade, domestic tariff policies play an equally important part in the international trade and the peace of the world. In fact, domestic tariffs bear an even more vital relationship to the industrialization of Japan than the colonial policies discussed above. The industrialization of Japan is dependent upon foreign markets, but foreign markets cannot be created as long as nations erect impassable tariff walls. Yet this is exactly what they are doing. Great Britain has extended the principle of colonial preference until it has become a protectionist country at home. By virtue of the Safeguarding of Industries Act, in effect since September 1, 1921,[54] all imported foreign goods, the manufacture of which is considered a "key" industry, essential to the independence of the nation, must pay an ad valorem duty of thirty-three per cent. Although only nine industries are placed in this "key" category, more than 6,000 articles used in these industries are subject to the tariff. Consequently, this law, along with the Nonferrous Metals Act and the Dyestuffs Act, virtually establish Great Britain on a protectionist basis.[55]

Moreover, British dominions and dependencies are following the same nationalistic policy. The Government of India (February 26, 1921) has imposed a high duty on imports, increasing the tariff on sugar by 50 per cent, on cotton goods by 20 per cent, on matches by 75 per cent, on tobacco by 50 per cent, and on liquor by 50 per cent. This tariff will especially injure trade in cotton goods, one of Japan's principal exports.[56]

In Australia, the world is witnessing another example of

[54] The text of this act will be found in *U. S. Commerce Reports*, April 14, 1921. See also Moulins, "La politique douanière de la Grande-Bretagne," *Revue Politique et Parlementaire*, October 10, 1921.

[55] For the difficulties confronting the pursuit of this policy, see Henry Clay, "British Tariffs Meet Obstacles," New York *Evening Post*, December 3, 1921.

[56] Japan *Weekly Chronicle*, Commercial Supplement, March 10, 1921.

a country which is obsessed with the idea of self-sufficiency. Here a supertariff has been imposed in a vain effort to build up cities and manufactures to the neglect of the back-country, the real foundation of all national life. The tariff duties are high enough in Japan, amounting in 1920 to sixty cents per capita; but in Australia they ascend to the height of ten dollars per head![57] Few men will enter agriculture when they are forced to pay exorbitant prices for the products of Australian factories protected in such an outrageous manner. It is little wonder that as a result of this policy, Australian commerce is in a languishing condition and financial depression is widespread.

But the United States has been tarred with the same stick. From the standpoint of national self-interest alone, a policy of protectionism has less now to justify it than ever before. European debts owing to this country can be paid only in goods, but goods cannot come into this country if we impose a high tariff barrier to shut them out. This country can never develop the foreign trade necessary to absorb the products of its factories as long as it erects a high tariff wall. Unmindful of national self-interest, disregarding the political antagonism aroused by a policy of high-protectionism, and ignorant of the disastrous effects of such a policy on the population question, in fact, on the imperialism of Japan, political leaders have attempted to secure the passage of new tariff legislation which, if enacted, will virtually kill Japanese trade with America. The original Fordney Tariff Bill increased the duties on at least seven important articles which Japan sells to this country, and to practically a prohibitive extent. These are camphor, pottery, cotton textiles, furniture, fancy mats, silk textiles and toys.[58]

[57] Editorial, "Under-population," Japan *Weekly Chronicle*, October 27, 1921.

[58] See Schedules 2, 12, para. 1413, H.R. 7456, 67th Congress, 1st session.

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Furthermore, there is also an agitation in this country for the exemption of all American ships from Panama Canal tolls. President Harding is in favor of some form of a ship subsidy. There is the American Merchant Marine Law of June 5, 1920, commonly called the Jones Act, which extends the coastwise laws of the United States, limiting such trade to American citizens, to include the trade between this country and the Philippines and other insular possessions.[59] It also carries out this discrimination against Japanese shipping still further by providing for preferential railway rates for goods transported in American vessels, and the abrogation of all commercial treaties to the contrary.[60]

This type of legislation would do credit to the Navigation Acts of Oliver Cromwell and to the Mercantilism of Thomas Mun. In fact, Macaulay's statement, "Free trade, one of the greatest blessings which a government can confer on a people, is in almost every country unpopular," was never more true than it is to-day.[61] If supertariffs become general, the foreign markets of Japan will be killed; factories will close down; the Japanese people will be obliged to rely on their own soil for food, and when this becomes impossible, to seek exclusive monopolies in Asia.

Canada and Australia and, to a lesser extent, the United

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[59] A similar provision in regard to trade between the United States and the Philippines was enacted by Congress in the Act of April 30, 1906, 34 U. S. St. at L. 154; but it was repealed in the Act of April 29, 1908, 35 U. S. St. at L. 70. It was reincorporated substantially in Section 21 of the American Merchant Marine Act of June 5, 1920.

[60] President Wilson refused to abrogate these treaties; and the law has so far remained unenforced. For its effect on Japan's trade, see Henderson, "Probable Effect of Certain Sections of the Jones Bill Upon Future Trade," *The Pacific Review*, December, 1920; also Gregg, "Failure of the Merchant Marine Act of 1920," *The American Economic Review*, December, 1921.

[61] It is admitted that a tariff for revenue is necessary for all nations, but such a tariff is distinctly different from the legislation now advocated, which cannot be reconciled with the demands of international peace and solidarity.

States are agricultural countries. All three of them insist—and rightly so—on the exclusion of Japanese labor. But in return they are morally obligated not to place obstacles in the way of producing the food necessary to keep alive the millions of Japan, who cannot emigrate abroad. This is not a matter of charity but of business, because the Japanese will pay for food with manufactures made at home. However, at the present time, the artificial attempts of sparsely settled countries to develop industries by means of tariffs, result not only in increased living costs to the consumer but also in the decrease of the food available for exportation to manufacturing countries too poor to grow their own food, such as Japan. These tariff policies are now denying to Japan an opportunity for legitimate trade expansion upon which the peaceful settlement of her population problem depends. If the nations of the world which are blessed with rich resources are too selfish to provide Japan with food, she will be forced to expand illegitimately. As long as we insist on the Closed Door in the United States and as long as Great Britain insists on the Closed Door in the British Empire, Japan will insist on the Closed Door in Asia. The eventual result will be war. There is no other alternative.

Consequently, the Western world must make this concession to Japan: it must assure her free and untrammeled access to all of the markets of the world. This should be done, not by means of free trade, but of international reciprocity agreements. Reciprocity is necessary to compel the hierarchy in Japan to surrender its own protectionist policy which is likewise making the industrialization of Japan impossible.

Such a concession on the part of the United States may disappoint a few monopolists who have waved the flag of "industrial independence" as vigorously as opponents of the League of Nations have waved the flag of "political

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independence." Such a concession will disappoint a few monopolists in Japan who have made and who wish to make great fortunes from exclusive concessions in Asia. These Joshuas are already repeating to their people what they declare to be a divinely inspired injunction, "There remaineth yet very much land to be possessed." The Japanese people may listen to them. If they do, liberalism will become a lost cause. Forgetful that the policy of annexations will solve the population problem only temporarily and that it will inevitably lead to blows with peoples who have claims to the same territory, the Japanese people are likely to follow this militaristic sophistry if they do not receive some international assurance that their food supply will be secure. When this is done the first popular support to imperialism and to the military party will be destroyed.

VIII

The nationalistic trade policies of the leading nations of the world are not the only reason why the Japanese people have supported militarism in the past. An equally important cause has been the belief, assiduously cultivated by the military party, that the very existence of Japan and the racial independence of Asia are being threatened by the imperialism of Europe and the United States. The past activities of European powers in Asia and the refusal of the United States to join the League of Nations, at a time when it had come to be the richest nation in the world, provided much to justify these suspicions. But, as we have seen, the Washington Conference has now made it impossible, if indeed, it were ever possible, for the United States to dominate Asia by force. Nevertheless, the Japanese are still being led to suspect the motives and the ambitions particularly of this country because, strange as it may seem, of its domestic policy toward the Japanese.

There is no legitimate objection to the exclusion of the Japanese laboring classes from the United States, which is an economic and racial necessity. The principle of exclusion was, in fact, recognized by the Japanese Government in 1908 when it negotiated the Gentlemen's Agreement.[62] But the Japanese people do object to the treatment accorded to Japanese residents of the United States, which is based on open discrimination. On the part of the federal Government, this has taken the form of denying to Japanese the right to become citizens of the United States, regardless of the specific merits of the individual applicant concerned.[63] On the part of the states, it has frequently taken the form of laws which deny to Japanese property rights granted to aliens from other countries.[64] These legal discriminations are noticeable enough in themselves. But they give rise to social discriminations and abusive political campaigns in states, where the passage of more and more drastic anti-Japanese legislation is advocated, which immeasurably intensify the bad feeling between Japan and the United States. The Tokyo *Asahi* has stated the Japanese point of view as follows: "We do not propose to send our emigrants of the laboring class even where they are not welcome. But we do demand that our countrymen, who have gone abroad in compliance with the provisions of our treaties and are engaged in legitimate business and enterprises in foreign countries, should be accorded the same protection and the same privileges as are enjoyed by other nationals who are settled in those countries."[65]

As long as we continue this pin-pricking policy toward

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[62] For its terms, see the *Annual Report of the Commissioner-General of Immigration*, 1908, 125, 126.

[63] Judicial decisions interpreting the term "free white person" have excluded the Japanese from citizenship. *In re Saito*, 62 Fed. Rep. 126; *In re Yamashita*, 70 Pac. Rep. 482.

[64] For this legislation, see *Alien Land Laws and Alien Rights*, (1921) H. Doc. 89, 67th Congress, 1st session.

[65] Quoted in Kawakami, *Japan and World Peace*, (1919) 54.

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Japanese legally resident in this country, the Japanese in Japan will naturally be led to believe that the anti-Japanese agitation in the United States is wholly illegitimate and caused by racial prejudice alone. More important still, they will be led to believe by the military party in Japan, that America's protests against Japanese imperialism in Asia are a mere mask behind which are hidden the "real" designs of the United States in the Far East. Thus the *Kokumin* has declared, "Outwardly, America is clothed in a religious garb of mercy, forbearance, justice and humanity, and she assumes an air of perfect unconcern. But at heart, Americans are greedy and insatiated, always sharpening their claws of tyranny and aggression, looking for their opportunity to pounce upon their victims." Count Okuma, the late leader of several White Peril campaigns, once declared that "the white races regard the world as their property and all other races are greatly their inferiors. . . . The whites were defying destiny, and woe to them. . . ." [66] Still others assert that the United States has instigated the boycott of Japanese goods in China and has fostered the independence movement in Korea in order to increase American trade and to reduce the influence of Japan. General Sato, the Japanese Bernhardi, protests against the "impure" motives of America which "haughtily insults our empire and is endangering our existence." [67] He declares that Japan has passed through two great national crises, the first of which was the Mongolian invasion of the thirteenth century, and the second, the Asiatic expansion of Russia, ending in the War of 1904-1905. In both of these crises, Japan was confronted with supposedly superior foes. But each time she proved victorious because "the Japanese in those days were not weak-kneed men such as the present day Japanese are!" The third national crisis is at hand. America has

[66] Pooley, *Japan's Foreign Policies*, 17.
[67] Sato, *If Japan and America Fight*, (1920) 31, 71, 72, 74.

taken the place of Russia: "America's insolence is far worse than Russia's before the Russo-Japanese War," and the menace is far greater. The World War made the United States tremendously rich. Its people now are "drunk with gold." It is the intention of American capitalists to "carry out a gigantic economic development in the east Asiatic continent and to fulfill her [America's] capitalistic imperialism on a large scale in China and Siberia."

No one familiar with the Far Eastern policy of the United States will believe accusations such as these. Yet the workings of diplomacy and the motives behind diplomatic policies are difficult for any people to understand. But the anti-Japanese agitation on the Pacific Coast and the legislation which results from such agitation are perfectly comprehensible to the people of Tokyo. From it they conclude that Western liberalism is blatant hypocrisy and that Japan's existence and Japan's honor rest on force alone. As a result, the aims of Japanese imperialism receive increased popular support. In order to realize these aims, the people are persuaded to retain the hierarchy in power; to vote large budgets; to raise great armies; and to build huge navies—all to defeat the White Peril! The moral pressure which public opinion in the United States might bring on Japanese militarism and the moral encouragement it might give to the liberal movement are therefore dissipated into thin air.

For nearly five years before the Chino-Japanese War of 1895, the Government struggled hopelessly with the opposition in the Japanese Diet. Democracy was a rising tide which threatened to inundate the powers of the clans, of the Genro, and of the Emperor. Despite the constitutional bulwarks with which these interests had protected themselves, the Opposition was able to deadlock the Government by refusing to ratify any measure submitted by it to the Diet. But the Genro refused to make any concessions to

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Democracy. On the contrary, they defeated it by using an hitherto untried weapon: they made war on China. "The China War revived the militarism which had lain dormant since 1873. . . . The voices of the persistent critics of the Government were stilled, the hackneyed Opposition demands for responsible Cabinets, for the destruction of the clans, for financial and administrative reforms, gave place to the cry 'On to Peking.'"[68] The psychology of war, which deadens all morality, had awakened the chauvinism of the people. As a result their insistence for democracy succumbed to an insistence for blood. The conquest of war over liberalism was complete. The military party has ruled practically supreme in Japan down to the present day.[69]

It has been likewise with other peoples. In England, parliamentary institutions developed perhaps three centuries earlier than in France because England, being an island, had no enemies of whom to be afraid. But when the Edwards laid claim to the French throne and involved England in Continental wars, the system of parliamentary government which had been established by the time of Edward III, disappeared, and in its place was substituted the tyranny of the Tudors and of the Stuarts. In France, absolutism was built up by Louis XIV by means of foreign wars. In Prussia, Bismarck exploited the fear of being "encircled" by European enemies, to fasten on Germany a military system which crushed out the heartbeats of the Democrats of 1848.

In America the same lesson has been dearly learned. We embarked on a "righteous war," on a war "to make the world safe for democracy." But despite its exalted purpose, we were obliged to abolish democracy at home in order to wage war efficiently abroad. We made our President an

[68] McLaren, *A Political History of Japan*, 229, 230.
[69] See p. 87 ff.

autocrat: he was commander in chief of our armies; he operated our railroads; he even regulated our food; he became, in fact, the Dictator of the nation. Individual liberties disappeared; men were forced to buy Liberty bonds; they were put in jail when they refused to fight or when they insisted on saying things that the Attorney-General did not like. These things may have been inevitable. They were necessary, many believed, in order to win the war. But they were destructive of democracy and of the ideals for which we supposedly fought, as the nation-wide revulsion against "idealism" at the end of the war was to prove.

The moral of all this is plain. If the Japanese people, incited by what they regard the ambitions and the prejudices of Western powers, particularly America, give a free hand to imperialism, they will be involved in continental wars which will make the success of liberalism impossible. At present the conscience of the Japanese people has been benumbed and their reason befuddled by the fear of racial extinction. They have been led to believe that their national honor and their right to live have been challenged by the Western powers, chief of which is the United States. This conception can be changed. It can be changed by the defeat of imperialism throughout the world, and (of more immediate importance) by a revised tariff which will give Japan access to the markets of the world and which will therefore make it unnecessary for her to secure monopolistic and warbreeding sources of supply in Asia. It can also be changed by a revised domestic policy of the United States which, while insisting on the exclusion of Japanese immigration and the right of this country to enforce such exclusion,[70] should recognize the principle or racial equality

[70] I recognize that there are certain inherent defects in the Gentlemen's Agreement, such as the exclusive right of the Japanese Government to determine what Japanese shall enter the United States, which

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by making Japanese residents eligible for citizenship and bestowing upon Japanese aliens here most-favored treatment in all civil rights.

These concessions on the part of the United States will not immediately solve the Japanese problem. They will not bring about immediately the overthrow of the military machine. The Japanese people have yet far to go, from the standpoint of education and political morality, before democracy in Japan becomes really possible and before the people become imbued with truly liberal ideals. But once these concessions are made, the Western world will be able to bring the tremendous force of international opinion—effectively organized through a League of Nations in which the United States should be a full and equal member—to the aid of Japanese liberalism, and thus make possible its eventual ascendancy and success.

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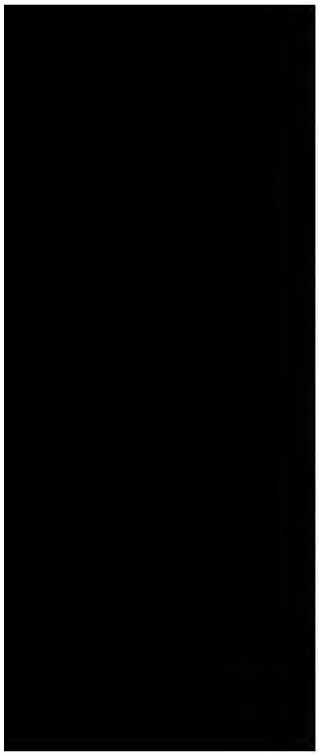
cannot be changed merely by a revision of that Agreement. However, an exclusion treaty can remedy these defects, and if made so as to apply also to Americans going to Japan, will avoid the grave defects of an exclusion law.

APPENDICES



APPENDIX I

TREATIES AND RESOLUTIONS

APPROVED AND ADOPTED BY THE CONFERENCE ON THE LIMITATION OF ARMAMENT[1]

TREATIES

I. A treaty between the United States of America, the British Empire, France, Italy, and Japan, limiting naval armament.
II. A treaty between the same Powers, in relation to the use of submarines and noxious gases in warfare.
III. A treaty between the United States of America, the British Empire, France, and Japan, signed December 13, 1921, relating to their insular possessions and insular dominions in the Pacific Ocean.
IV. Declaration accompanying the above Four-Power Treaty.
V. A treaty between the same Four Powers, supplementary to the above, signed February 6, 1922.
VI. A treaty between all Nine Powers relating to principles and policies to be followed in matters concerning China.
VII. A treaty between the Nine Powers relating to Chinese customs tariff.

RESOLUTIONS

1. Resolution for a Commission of Jurists to consider amendment of Laws of War.
2. Resolution limiting jurisdiction of Commission of Jurists provided in Resolution No. 1.
3. Resolution regarding a Board of Reference for Far Eastern Questions.
4. Resolution regarding Extraterritoriality in China.
5. Resolution regarding Foreign Postal Agencies in China.
6. Resolution regarding Armed Forces in China.
7. Resolution regarding Radio Stations in China and accompanying Declarations.
8. Resolution regarding unification of railways in China and accompanying Declaration by China.
9. Resolution regarding the reduction of Chinese Military Forces.
10. Resolution regarding existing commitments of China or with respect to China.
11. Resolution regarding the Chinese Eastern Railway, approved by all the Powers, including China.
12. Resolution regarding the Chinese Eastern Railway, approved by all the Powers, other than China.

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[1] Reprinted from Senate Document No. 124, 67th Congress, 2d Session.

TREATIES

I. A TREATY BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, LIMITING NAVAL ARMAMENT

The United States of America, the British Empire, France, Italy and Japan;

Desiring to contribute to the maintenance of the general peace, and to reduce the burdens of competition in armament;

Have resolved, with a view to accomplishing these purposes, to conclude a treaty to limit their respective naval armament, and to that end have appointed as their Plenipotentiaries;

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,

Citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;

for the Commonwealth of Australia:

Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:
The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;
for the Union of South Africa:
The Right Honourable Arthur James Balfour, O. M., M. P.;
for India:
The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic:
Mr. Albert Sarraut, Deputy, Minister of the Colonies:
Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:
The Honourable Carlo Schanzer, Senator of the Kingdom;
The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;
The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:
Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;
Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun:
Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

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CHAPTER I

GENERAL PROVISIONS RELATING TO THE LIMITATION OF NAVAL ARMAMENT

ARTICLE I

The Contracting Powers agree to limit their respective naval armament as provided in the present Treaty.

ARTICLE II

The Contracting Powers may retain respectively the capital ships which are specified in Chapter II, Part 1. On the coming into force of the present Treaty, but subject to the following provisions of this Article, all other capital ships, built or building, of the United States, the British Empire and Japan shall be disposed of as prescribed in Chapter II, Part 2.

In addition to the capital ships specified in Chapter II, Part 1, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships the *North Dakota* and *Delaware* shall be disposed of as prescribed in Chapter II, Part 2.

The British Empire may, in accordance with the replacement table in Chapter II, Part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the *Thunderer, King George V, Ajax* and *Centurion* shall be disposed of as prescribed in Chapter II, Part 2.

ARTICLE III

Subject to the provisions of Article II, the Contracting Powers shall abandon their respective capital ship building programs, and no new capital ships shall be constructed or acquired by any of the Contracting Powers except replacement tonnage which may be constructed or acquired as specified in Chapter II, Part 3.

Ships which are replaced in accordance with Chapter II, Part 3, shall be disposed of as prescribed in Part 2 of that Chapter.

ARTICLE IV

The total capital ship replacement tonnage of each of the Contracting Powers shall not exceed in standard displacement, for the United States 525,000 tons (533,400 metric tons); for the British Empire 525,000 tons (533,400 metric tons); for France 175,000 tons (177,800 metric tons); for Italy 175,000 tons (177,800 metric tons); for Japan 315,000 tons (320,040 metric tons).

ARTICLE V

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

ARTICLE VI

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

ARTICLE VII

The total tonnage for aircraft carriers of each of the Contracting Powers shall not exceed in standard displacement, for the United States 135,000 tons (137,160 metric tons); for the British Empire 135,000 tons (137,160 metric tons); for France 60,000 tons (60,960 metric tons); for Italy 60,000 tons (60,960 metric tons); for Japan 81,000 tons (82,296 metric tons).

ARTICLE VIII

The replacement of aircraft carriers shall be effected only as prescribed in Chapter II, Part 3, provided, however, that all aircraft carrier tonnage in existence or building on November 12, 1921, shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in Article VII, without regard to its age.

ARTICLE IX

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for or within the jurisdiction of, any of the Contracting Powers.

However, any of the Contracting Powers may, provided that

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its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the Contracting Powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried in case any of such guns be of a calibre exceeding 6 inches (152 millimetres), except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed eight.

Article X

No aircraft carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article IX, if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre the total number of guns carried, except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed ten. If alternatively the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

Article XI

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

No vessel of war of any of the Contracting Powers, here-

after laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

ARTICLE XIII

Except as provided in Article IX, no ship designated in the present Treaty to be scrapped may be reconverted into a vessel of war.

ARTICLE XIV

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6 inch (152 millimetres) calibre.

ARTICLE XV

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

ARTICLE XVI

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, Part 3, Section I (b), (4) and (5).

ARTICLE XVII

In the event of a Contracting Power being engaged in war, such Power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for

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any other Power, or which may have been constructed within its jurisdiction for another Power and not delivered.

ARTICLE XVIII

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the Navy of any foreign Power.

ARTICLE XIX

The United States, the British Empire and Japan agree that the status quo at the time of the signing of the present Treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:

(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands;

(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its Territories, and (c) New Zealand;

(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

Article XX

The rules for determining tonnage displacement prescribed in Chapter II, Part 4, shall apply to the ships of each of the Contracting Powers.

CHAPTER II

RULES RELATING TO THE EXECUTION OF THE TREATY—DEFINITION OF TERMS

Part 1

CAPITAL SHIPS WHICH MAY BE RETAINED BY THE CONTRACTING POWERS

In accordance with Article II ships may be retained by each of the Contracting Powers as specified in this Part.

Ships which may be retained by the United States.

Name:	Tonnage.
Maryland	32,600
California	32,300
Tennessee	32,300
Idaho	32,000
New Mexico	32,000
Mississippi	32,000
Arizona	31,400
Pennsylvania	31,400
Oklahoma	27,500
Nevada	27,500
New York	27,000
Texas	27,000
Arkansas	26,000
Wyoming	26,000
Florida	21,825
Utah	21,825
North Dakota	20,000
Delaware	20,000
Total tonnage	500,650

On the completion of the two ships of the *West Virginia* class and the scrapping of the *North Dakota* and *Delaware*, as provided in Article II, the total tonnage to be retained by the United States will be 525,850 tons.

APPENDIX I

Ships which may be retained by the British Empire.

Name:	Tonnage.
Royal Sovereign	25,750
Royal Oak	25,750
Revenge	25,750
Resolution	25,750
Ramillies	25,750
Malaya	27,500
Valiant	27,500
Barham	27,500
Queen Eli	27,500
Warspite	27,500
Benbow	25,000
Emperor of	25,000
Iron Duke	25,000
Marlborough	25,000
Hood	41,200
Renown	26,500
Repulse	26,500
Tiger	28,500
Thunderer	22,500
King Georg.	23,000
Ajax	23,000
Centurion	23,000
Total tonnage	**580,450**

On the completion of the two new ships to be constructed and the scrapping of the *Thunderer, King George V, Ajax* and *Centurion*, as provided in Article II, the total tonnage to be retained by the British Empire will be 558,950 tons.

Ships which may be retained by France.

Name:	Tonnage (metric tons)
Bretagne	23,500
Lorraine	23,500
Provence	23,500
Paris	23,500
France	23,500
Jean Bart	23,500
Courbet	23,500
Condorcet	18,890
Diderot	18,890
Voltaire	18,890
Total tonnage	**221,170**

France may lay down new tonnage in the years 1927, 1928 and 1931, as provided in Part 3, Section II.

Ships which may be retained by Italy

Name:	Tonnage (metric tons)
Andrea Doria	22,700
Caio Duilio	22,700
Conte Di Cavour	22,500
Giulio Cesare	22,500
Leonardo Da Vinci	22,500
Dante Alighieri	19,500
Roma	12,600
Napoli	12,600
Vittorio Emanuele	12,600
Regina Elena	12,600
Total tonnage	182,800

Italy may lay down new tonnage in the years 1927, 1929, and 1931, as provided in Part 3, Section II.

Ships which may be retained by Japan.

Mutsu	33,800
Nagato	33,800
Hiuga	31,260
Ise	31,260
Yamashiro	30,600
Fu-So	30,600
Kirishima	27,500
Haruna	27,500
Hiyei	27,500
Kongo	27,500
Total tonnage	301,320

Part 2

RULES FOR SCRAPPING VESSELS OF WAR

The following rules shall be observed for the scrapping of vessels of war which are to be disposed of in accordance with Articles II and III.

I. A vessel to be scrapped must be placed in such condition that it cannot be put to combatant use.

II. This result must be finally effected in any of the following ways:

(a) Permanent sinking of the vessel;

(b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers and armour, and all deck, side and bottom plating;

(c) Converting the vessel to target use exclusively. In such

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case all the provisions of paragraph III of this Part, except sub-paragraph (6), in so far as may be necessary to enable the ship to be used as a mobile target, and except sub-paragraph (7), must be previously complied with. Not more than one capital ship may be retained for this purpose at one time by any of the Contracting Powers.

(d) Of the capital ships which would otherwise be scrapped under the present Treaty in or after the year 1931, France and Italy may each retain two seagoing vessels for training purposes exclusively, that is, as gunnery or torpedo schools. The two vessels retained by France shall be of the *Jean Bart* class, and of those retained by Italy one shall be the *Dante Alighieri,* the other of the *Giulio Cesare* class. On retaining these ships for the purpose above stated, France and Italy respectively undertake to remove and destroy their conning-towers, and not to use the said ships as vessels of war.

III. (a) Subject to the special exceptions contained in Article IX, when a vessel is due for scrapping, the first stage of scrapping, which consists in rendering a ship incapable of further warlike service, shall be immediately undertaken.

(b) A vessel shall be considered incapable of further warlike service when there shall have been removed and landed, or else destroyed in the ship:

(1) All guns and essential portions of guns, fire-control tops and revolving parts of all barbettes and turrets;

(2) All machinery for working hydraulic or electric mountings;

(3) All fire-control instruments and range-finders;

(4) All ammunition, explosives and mines;

(5) All torpedoes, war-heads and torpedo tubes;

(6) All wireless telegraphy installations;

(7) The conning tower and all side armour, or alternatively all main propelling machinery; and

(8) All landing and flying-off platforms and all other aviation accessories.

IV. The periods in which scrapping of vessels is to be effected are as follows:

(a) In the case of vessels to be scrapped under the first paragraph of Article II, the work of rendering the vessels incapable of further warlike service, in accordance with paragraph III of this Part, shall be completed within six months from the coming into force of the present Treaty, and the

scrapping shall be finally effected within eighteen months from such coming into force.

(b) In the case of vessels to be scrapped under the second and third paragraphs of Article II, or under Article III, the work of rendering the vessel incapable of further warlike service in accordance with paragraph III of this Part shall be commenced not later than the date of completion of its successor, and shall be finished within six months from the date of such completion. The vessel shall be finally scrapped, in accordance with paragraph II of this Part, within eighteen months from the date of completion of its successor. If, however, the completion of the new vessel be delayed, then the work of rendering the old vessel incapable of further warlike service in accordance with paragraph III of this Part shall be commenced within four years from the laying of the keel of the new vessel, and shall be finished within six months from the date on which such work was commenced, and the old vessel shall be finally scrapped in accordance with paragraph II of this Part within eighteen months from the date when the work of rendering it incapable of further warlike service was commenced.

Part 3

REPLACEMENT

The replacement of capital ships and aircraft carriers shall take place according to the rules in Section I and the tables in Section II of this Part.

Section I

Rules for Replacement

(a) Capital ships and aircraft carriers twenty years after the date of their completion may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be replaced by new construction, but within the limits prescribed in Article IV and Article VII. The keels of such new construction may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be laid down not earlier than seventeen years from the date of completion of the tonnage to be replaced, provided, however, that no capital ship tonnage, with the exception of the ships referred to in the third paragraph of Article II, and the replacement tonnage specific-

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ally mentioned in Section II of this Part, shall be laid down until ten years from November 12, 1921.

(b) Each of the Contracting Powers shall communicate promptly to each of the other Contracting Powers the following information:

(1) The names of the capital ships and aircraft carriers to be replaced by new construction;

(2) The date of governmental authorization of replacement tonnage;

(3) The date of laying the keels of replacement tonnage;

(4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement;

(5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement, at time of completion.

(c) In case of loss or accidental destruction of capital ships or aircraft carriers, they may immediately be replaced by new construction subject to the tonnage limits prescribed in Articles IV and VII and in conformity with the other provisions of the present Treaty, the regular replacement program being deemed to be advanced to that extent.

(d) No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The Contracting Powers may, for that purpose, equip existing tonnage with bulge or blister or anti-air attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. No alterations in side armour, in calibre, number or general type of mounting of main armament shall be permitted except:

(1) In the case of France and Italy, which countries within the limits allowed for bulge may increase their armour protection and the calibre of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimeters) and

(2) the British Empire shall be permitted to complete, in the case of the *Renown*, the alterations to armour that have already been commenced but temporarily suspended.

SECTION II

Replacement and Scrapping of Capital Ships

UNITED STATES

Year	Ships Laid Down	Ships Completed	Ships Scrapped (age in parentheses)	Ships Retained Summary	
				Pre-Jutland	Post-Jutland
			Maine (20), Missouri (20), Virginia (17), Nebraska (17), Georgia (17), New Jersey (17), Rhode Island (17), Connecticut (17), Louisiana (17), Vermont (16), Kansas (16), Minnesota (16), New Hampshire (15), South Carolina (13), Michigan (13), Washington (0), South Dakota (0), Indiana (0), Montana (0), North Carolina (0), Iowa (0), Massachusetts (0), Lexington (0), Constitution (0), Constellation (0), Saratoga (0), Ranger (0), United States (0).*	17	1
1922	.....	A, B†	Delaware (12), North Dakota (12)...	15	3
1923	.....	.....	.....	15	3
1924	.....	.....	.....	15	3
1925	.....	.....	.....	15	3
1926	.....	.....	.....	15	3
1927	.....	.....	.....	15	3
1928	.....	.....	.....	15	3
1929	.....	.....	.....	15	3
1930	.....	.....	.....	15	3
1931	C, D	.....	.....	15	3
1932	E, F	.....	.....	15	3
1933	G	.....	.....	15	3
1934	H, I	C, D	Florida (23), Utah (23), Wyoming (22)	12	5
1935	J	E, F	Arkansas (23), Texas (21), New York (21)	9	7
1936	K, L	G	Nevada (20), Oklahoma (20).....	7	8
1937	M	H, I	Arizona (21), Pennsylvania (21).....	5	10
1938	N, O	J	Mississippi (21).....	4	11
1939	P, Q	K, L	New Mexico (21), Idaho (20).....	2	13
1940	.....	M	Tennessee (20).....	1	14
1941	.....	N, O	California (20), Maryland (20).....	0	15
1942	.....	P, Q	2 ships West Virginia class.....	0	15

* The United States may retain the *Oregon* and *Illinois*, for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

† Two West Virginia class.

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

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REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS—*continued*

BRITISH EMPIRE

Year	Ships Laid Down	Ships Completed	Ships Scrapped (age in parentheses)	Ships Retained Summary	
				Pre-Jutland	Post-Jutland
			Commonwealth (16), Agamemnon (13), Dreadnought (15), Bellerophon (12), St. Vincent (11), Inflexible (13), Superb (12), Neptune (10), Hercules (10), Indomitable (13), Temeraire (12), New Zealand (9), Lion (9), Princess Royal (9), Conquerer (9), Monarch (9), Orion (9), Australia (8), Agincourt (7), Erin (7), 4 building or projected.*	21	1
1922	A, B†	.....	.....	21	1
1923	.....	.....	.....	21	1
1924	.....	.....	.....	21	1
1925	.....	A, B	King George V (13), Ajax (12), Centurion (12), Thunderer (13).....	17	3
1926	.....	.....	.....	17	3
1927	.....	.....	.....	17	3
1928	.....	.....	.....	17	3
1929	.....	.....	.....	17	3
1930	.....	.....	.....	17	3
1931	C, D	.....	.....	17	3
1932	E, F	.....	.....	17	3
1933	G	.....	.....	17	3
1934	H, I	C, D	Iron Duke (20), Marlborough (20), Emperor of India (20), Benbow (20)	13	5
1935	J	E, F	Tiger (21), Queen Elizabeth (20), Warspite (20), Barham (20).....	9	7
1936	K, L	G	Malaya (20), Royal Sovereign (20)...	7	8
1937	M	H, I	Revenge (21), Resolution (21).....	5	10
1938	N, O	J	Royal Oak (22).....	4	11
1939	P, Q	K, L	Valiant (23), Repulse (23).....	2	13
1940	.....	M	Renown (24).....	1	14
1941	.....	N, O	Ramillies (24), Hood (21).....	0	15
1942	.....	P, Q	A (17), B (17).....	0	15

* The British Empire may retain the *Colossus* and *Collingwood* for non-combatant purposes, after complying with the provisions of Part 2, III, (b).

† Two 35,000-ton ships, standard displacement.

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement laid down and completed in the years specified.

REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS—*continued*

FRANCE

Year	Ships Laid Down Tons	Ships Completed Tons	Ships Scrapped (age in parentheses)	Ships Retained Summary	
				Pre-Jutland	Post-Jutland
1922	.....	.....	.....	7	0
1923	.....	.....	.....	7	0
1924	.....	.....	.....	7	0
1925	.....	.....	.....	7	0
1926	.....	.....	.....	7	0
1927	35,000	.....	.....	7	0
1928	.....	.....	.....	7	0
1929	35,000	.....	.....	7	0
1930	.....	35,000	Jean Bart (17), Courbet (17).....	5	(*)
1931	35,000	.....	.....	5	(*)
1932	35,000	35,000	France (18).....	4	(*)
1933	35,000	.....	.....	4	(*)
1934	.....	35,000	Paris (20), Bretagne (20).....	2	(*)
1935	.....	35,000	Provence (20).....	1	(*)
1936	.....	35,000	Lorraine (20).....	0	(*)
1937	.....	.....	.....	0	(*)
1938	.....	.....	.....	0	(*)
1939	.....	.....	.....	0	(*)
1940	.....	.....	.....	0	(*)
1941	.....	.....	.....	0	(*)
1942	.....	.....	.....	0	(*)

* Within tonnage limitations; number not fixed.

NOTE.—France expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and that the total capital ship tonnage should keep within the limits imposed by the present Treaty.

REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS—continued

ITALY

Year	Ships Laid Down Tons	Ships Completed Tons	Ships Scrapped (age in parentheses)	Ships Remaining Strength Pre-Jutland	Ships Remaining Strength Post-Jutland
1922	.....	.....	.....	6	0
1923	.....	.....	.....	6	0
1924	.....	.....	.....	6	0
1925	.....	.....	.....	6	0
1926	.....	.....	.....	6	0
1927	35,000	.....	.....	6	0
1928	.....	.....	.....	6	0
1929	35,000	.....	.....	6	0
1930	.....	.....	.....	6	0
1931	35,000	35,000	Dante Alighieri (19)	5	(*)
1932	45,000	.....	.....	5	(*)
1933	25,000	35,000	Leonardo da Vinci (19).....	4	(*)
1934	.....	.....	.....	4	(*)
1935	.....	35,000	Guilio Cesare (21).....	3	(*)
1936	.....	45,000	Conte di Cavour (21), Duilio (21)....	1	(*)
1937	.....	25,000	Andrea Doria (21).....	0	(*)

* Within tonnage limitations; number not fixed.

NOTE.—Italy expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and the total capital ship tonnage should keep within the limits imposed by the present Treaty.

REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS—*continued*

JAPAN

Year	Ships Laid Down	Ships Completed	Ships Scrapped (age in parentheses)	Ships Retained Summary	
				Pre-Jutland	Post-Jutland
			Hizen (20), Mikasa (20), Kashima (16), Katori (16), Satsuma (12), Aki (11), Settsu (10), Ikoma (14), Ibuki (12), Kurama (11), Amagi (0), Akagi (0), Kaga (0), Tosa (0), Takao (0), Atago (0). Projected program 8 ships not laid down*	8	
1922	.....	.....	.....	8	2
1923	.....	.....	.....	8	2
1924	.....	.....	.....	8	2
1925	.....	.....	.....	8	2
1926	.....	.....	.....	8	2
1927	.....	.....	.....	8	2
1928	.....	.....	.....	8	2
1929	.....	.....	.....	8	2
1930	.....	.....	.....	8	2
1931	A....	.....	.....	8	2
1932	B....	.....	.....	8	2
1933	C....	.....	.....	8	2
1934	D....	A....	Kongo (21)	7	3
1935	E....	B....	Hiyei (21), Haruna (20)	5	4
1936	F....	C....	Kirishima (21)	4	5
1937	G ...	D....	Fuso (22)	3	6
1938	H ...	E....	Yamashiro (21)	2	7
1939	I	F....	Ise (22)	1	8
1940	.....	G....	Hiuga (22)	0	9
1941	.....	H....	Nagato (21)	0	9
1942	.....	I	Mutsu (21)	0	9

* Japan may retain the *Shikishima* and *Asahi* for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

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Note Applicable to all the Tables in Section II

The order above prescribed in which ships are to be scrapped is in accordance with their age. It is understood that when replacement begins according to the above tables the order of scrapping in the case of the ships of each of the Contracting Powers may be varied at its option; provided, however, that such Power shall scrap in each year the number of ships above stated.

Part 4

DEFINITIONS

For the purposes of the present Treaty, the following expressions are to be understood in the sense defined in this Part.

Capital Ship

A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with a calibre exceeding 8 inches (203 millimetres).

Aircraft Carrier

An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X as the case may be.

Standard Displacement

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word "ton" in the present Treaty, except in the expression "metric tons," shall be understood to mean the ton of 2240 pounds (1016 kilos).

Vessels now completed shall retain their present rating of displacement tonnage in accordance with their national system of measurement. However, a Power expressing displacement in metric tons shall be considered for the application of the present Treaty as owning only the equivalent displacement in tons of 2240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

CHAPTER III

MISCELLANEOUS PROVISIONS.

Article XXI

If during the term of the present Treaty the requirements of the national security of any Contracting Power in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Contracting Powers will, at the request of such Power, meet in conference with a view to the reconsideration of the provisions of the Treaty and its amendment by mutual agreement.

In view of possible technical and scientific developments, the United States, after consultation with the other Contracting Powers, shall arrange for a conference of all the Contracting Powers which shall convene as soon as possible after the expiration of eight years from the coming into force of the present Treaty to consider what changes, if any, in the Treaty may be necessary to meet such developments.

Article XXII

Whenever any Contracting Power shall become engaged in a war which in its opinion affects the naval defence of its national security, such Power may after notice to the other Contracting Powers suspend for the period of hostilities its obligations under the present Treaty other than those under Articles XIII and XVII, provided that such Power shall

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notify the other Contracting Powers that the emergency is of such a character as to require such suspension.

The remaining Contracting Powers shall in such case consult together with a view to agreement as to what temporary modifications if any should be made in the Treaty as between themselves. Should such consultation not produce agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of said Contracting Powers may, by giving notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present Treaty, other than those under Articles XIII and XVII.

On the cessation of hostilities the Contracting Powers will meet in conference to consider what modifications, if any, should be made in the provisions of the present Treaty.

ARTICLE XXIII

The present Treaty shall remain in force until December 31st, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the Treaty, it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers, whereupon the Treaty shall terminate as regards all the Contracting Powers. Such notice shall be communicated in writing to the Government of the United States, which shall immediately transmit a certified copy of the notification to the other Powers and inform them of the date on which it was received. The notice shall be deemed to have been given and shall take effect on that date. In the event of notice of termination being given by the Government of the United States, such notice shall be given to the diplomatic representatives at Washington of the other Contracting Powers, and the notice shall be deemed to have been given and shall take effect on the date of the communication made to the said diplomatic representatives.

Within one year of the date on which a notice of termination by any Power has taken effect, all the Contracting Powers shall meet in conference.

ARTICLE XXIV

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all

the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington, the sixth day of February, One Thousand Nine Hundred and Twenty-Two.

CHARLES EVANS HUGHES
HENRY CABOT LODGE
OSCAR W. UNDERWOOD
ELIHU ROOT
ARTHUR JAMES BALFOUR
LEE OF FAREHAM
A. C. GEDDES
R. L. BORDEN
G. F. PEARCE
JOHN W. SALMOND
ARTHUR JAMES BALFOUR
V. S. SRINIVASA SASTRI
A. SARRAUT
JUSSERAND
CARLO SCHANZER
V. ROLANDI RICCI
LUIGI ALBERTINI
T. KATO
K. SHIDEHARA
M. HANIHARA

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II. A TREATY BETWEEN THE SAME POWERS, IN RELATION TO THE USE OF SUBMARINES AND NOXIOUS GASES IN WARFARE

The United States of America, the British Empire, France, Italy and Japan, hereinafter referred to as the Signatory Powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, and to prevent the use in war of noxious gases and chemicals, have determined to conclude a Treaty to this effect, and have appointed as their Plenipotentiaries:

The President of the United States of America:
Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;
The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;
The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:
The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;

for the Commonwealth of Australia:
Senator, the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:
The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:
The Right Honourable Arthur James Balfour, O. M., M. P.;
for India:
The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic:
Mr. Albert Sarraut, Deputy, Minister of the Colonies;
Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:
The Honourable Carlo Schanzer, Senator of the Kingdom;
The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;
The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:
Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;
Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;
Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their Full Powers, found in good and due form, have agreed as follows:

ARTICLE I

The Signatory Powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law;

(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

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A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

Article II

The Signatory Powers invite all other civilized Powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

Article III

The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

Article IV

The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as com-

merce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

ARTICLE V

The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized Powers are parties,

The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and invite all other civilized nations to adhere thereto.

ARTICLE VI

The present Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the Signatory Powers and shall take effect on the deposit of all the ratifications, which shall take place at Washington.

The Government of the United States will transmit to all the Signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

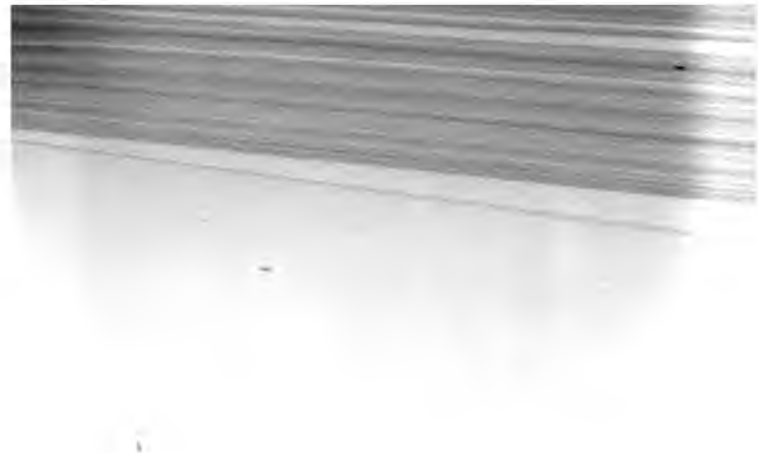
The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

ARTICLE VII

The Government of the United States will further transmit to each of the Non-Signatory Powers a duly certified copy of the present Treaty and invite its adherence thereto.

Any Non-Signatory Power may adhere to the present Treaty by communicating an Instrument of Adherence to the Government of the United States, which will thereupon transmit to each of the Signatory and Adhering Powers a certified copy of each Instrument of Adherence.

In faith whereof, the above named Plenipotentiaries have signed the present Treaty.



III. A TREATY BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, AND JAPAN, SIGNED DECEMBER 13, 1921, RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE PACIFIC OCEAN

The United States of America, the British Empire, France and Japan,

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean,

Have determined to conclude a Treaty to this effect and have appointed as their Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood and
Elihu Root, citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:

The Right Honourable Robert Laird Borden, G. C. M. G., K. C.;

for the Commonwealth of Australia:

The Honourable George Foster Pearce, Minister of Defence;

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for the Dominion of New Zealand:
Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:
The Right Honourable Arthur James Balfour, O. M., M. P.;

for India:
The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic:
Mr. René Viviani, Deputy, Former President of the Council of Ministers;

Mr. Albert Sarraut, Deputy, Minister of the Colonies;

Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the Emperor of Japan:
Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;

Prince Iyesato Tokugawa, Junii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice-Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their Full Powers, found in good and due form, have agreed as follows:

I

The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II

If the said rights are threatened by the aggressive action of any other Power, the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III

This Treaty shall remain in force for ten years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the High Contracting Parties to terminate it upon twelve months' notice.

IV

This Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the Signatory Powers a certified copy of the *procès-verbal* of the deposit of ratifications.

The present Treaty, in French and in English, shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

In faith whereof the above named Plenipotentiaries have signed the present Treaty.

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APPENDIX I

e at the City of Washington, the thirteenth day of Decem-
ne Thousand Nine Hundred and Twenty-One.

CHARLES EVANS HUGHES
HENRY CABOT LODGE
OSCAR W. UNDERWOOD
ELIHU ROOT
A. M. JAMES BALFOUR
LEE OF FAREHAM
A. C. GEDDES
R. L. BORDEN
G. F. PEARCE
JOHN W. SALMOND
A. M. JAMES BALFOUR
V. S. SRINIVASA SASTRI
RENÉ VIVIANI
A. SARRAUT
JUSSERAND
T. KATO
K. SHIDEHARA
TOKUGAWA IYESATO
M. HANIHARA

IV. DECLARATION ACCOMPANYING THE ABOVE FOUR-POWER TREATY

In signing the Treaty this day between The United States of America, The British Empire, France and Japan, it is declared to be the understanding and intent of the Signatory Powers:

1. That the Treaty shall apply to the Mandated Islands in the Pacific Ocean; provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of The United States of America to the mandates and shall not preclude agreements between The United States of America and the Mandatory Powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of Article I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers.

Washington, D. C., December 13, 1921.

CHARLES EVANS HUGHES
HENRY CABOT LODGE
OSCAR W. UNDERWOOD
ELIHU ROOT
A. M. JAMES BALFOUR
LEE OF FAREHAM
A. C. GEDDES
R. L. BORDEN
G. F. PEARCE
JOHN W. SALMOND
A. M. JAMES BALFOUR
V. S. SRINIVASA SASTRI
RENÉ VIVIANI
A. SARRAUT
JUSSERAND
T. KATO
K. SHIDEHARA
TOKUGAWA IYESATO
M. HANIHARA

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V. A TREATY BETWEEN THE SAME FOUR POWERS, SUPPLEMENTARY TO THE ABOVE, SIGNED FEBRUARY 6, 1922

The United States of America, the British Empire, France and Japan have, through their respective Plenipotentiaries, agreed upon the following stipulations supplementary to the Quadruple Treaty signed at Washington on December 13, 1921:

The term "insular possessions and insular dominions" used in the aforesaid Treaty shall, in its application to Japan, include only Karafuto (or the Southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

The present agreement shall have the same force and effect as the said Treaty to which it is supplementary.

The provisions of Article IV of the aforesaid Treaty of December 13, 1921, relating to ratification shall be applicable to the present Agreement, which in French and English shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other Contracting Powers.

In faith whereof the respective Plenipotentiaries have signed the present Agreement.

Done at the City of Washington, the sixth day of February, One Thousand Nine Hundred and Twenty-two.

CHARLES EVANS HUGHES
HENRY CABOT LODGE
OSCAR W. UNDERWOOD
ELIHU ROOT
ARTHUR JAMES BALFOUR
LEE OF FAREHAM
A. C. GEDDES
R. L. BORDEN
G. F. PEARCE
JOHN W. SALMOND
ARTHUR JAMES BALFOUR
V. S. SRINIVASA SASTRI
A. SARRAUT
JUSSERAND
T. KATO
K. SHIDEHARA
M. HANIHARA

VI. A TREATY BETWEEN ALL NINE POWERS RELATING TO PRINCIPLES AND POLICIES TO BE FOLLOWED IN MATTERS CONCERNING CHINA

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal:

Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

Have resolved to conclude a treaty for that purpose and to that end have appointed as their respective Plenipotentiaries;

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
citizens of the United States;

His Majesty the King of the Belgians:

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;

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for the Commonwealth of Australia:
Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:
The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:
The Right Honourable Arthur James Balfour, O. M, M. P.;

for India:
The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China:
Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington;
Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London;
Mr. Chung-Hui Wang, former Minister of Justice.

The President of the French Republic:
Mr. Albert Sarraut, Deputy, Minister of the Colonies;
Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:
The Honourable Carlo Schanzer, Senator of the Kingdom;
The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;
The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:
Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;
Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;
Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of The Netherlands:
Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary;
Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic:
Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington;
Mr. Ernesto Julio de Carvalho e Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office.

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

The Contracting Powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE II

The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any Power or Powers, which would infringe or impair the principles stated in Article I.

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ARTICLE III

With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers, other than China, agreed that they will not seek, nor support their respective nationals in seeking.

(a) Any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

(b) Any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present Treaty or not.

ARTICLE IV

The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE V

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the

countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese Railways.

The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

ARTICLE VI

The Contracting Powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE VII

The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned.

ARTICLE VIII

Powers not signatory to the present Treaty, which have Governments recognized by the Signatory Powers and which have treaty relations with China, shall be invited to adhere to the present Treaty. To this end the Government of the United States will make the necessary communications to non-signatory Powers and will inform the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit

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to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the Sixth day of February, One Thousand Nine-Hundred and Twenty-Two.

CHARLES EVANS HUGHES
HENRY CABOT LODGE
OSCAR W. UNDERWOOD
ELIHU ROOT
BARON DE CARTIER DE MARCHIENNE
ARTHUR JAMES BALFOUR
LEE OF FAREHAM
A. C. GEDDES
R. L. BORDEN
G. F. PEARCE
JOHN W. SALMOND
ARTHUR JAMES BALFOUR
V. S. SRINIVASA SASTRI
SAO-KE ALFRED SZE
V. K. WELLINGTON KOO
CHUNG-HUI WANG
A. SARRAUT
JUSSERAND
CARLO SCHANZER
V. ROLANDI RICCI
LUIGI ALBERTINI
T. KATO
K. SHIDEHARA
M. HANIHARA
BEELAERTS VAN BLOKLAND
W. DE BEAUFORT
ALTE
ERNESTO DE VASCONCELLOS

VII. A TREATY BETWEEN THE NINE POWERS RELATING TO CHINESE CUSTOMS TARIFF.

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands and Portugal:

With a view to increasing tho revenues of the Chinese Government, have resolved to conclude a Treaty relating to the revision of the Chinese customs tariff and cognate matters, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
citizens of the United States;

His Majesty the King of the Belgians:

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;

for the Commonwealth of Australia:

Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:

The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

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for the Union of South Africa:
The Right Honourable Arthur James Balfour, O. M., M. P.;
for India:
The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China:
Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington;
Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London;
Mr. Chung-Hui Wang, former Minister of Justice;

The President of the French Republic:
Mr. Albert Sarraut, Deputy, Minister of the Colonies;
Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:
The Honourable Carlo Schanzer, Senator of the Kingdom;
The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom. His Ambassador Extraordinary and Plenipotentiary at Washington;
The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:
Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;
Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;
Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of The Netherlands:
Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary;
Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic:

Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. Ernesto Julio de Carvalho e Vasconcellos, Captain of the Portuguese Navy, Technical Director of the Colonial Office;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

The representatives of the Contracting Powers having adopted, on the fourth day of February, 1922, in the City of Washington, a Resolution, which is appended as an Annex to this Article, with respect to the revision of Chinese Customs duties, for the purpose of making such duties equivalent to an effective 5 per centum *ad valorem*, in accordance with existing treaties concluded by China with other nations, the Contracting Powers hereby confirm the said Resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible but not earlier than two months after publication thereof.

ANNEX

With a view to providing additional revenue to meet the needs of the Chinese Government, the Powers represented at this Conference, namely the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal agree:

That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent. effective, as provided for in the several commercial treaties to which China is a party.

A Revision Commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

This Commission shall be composed of representatives of the Powers above named and of representatives of any additional Powers having Governments at present recognized by the Powers represented at this Conference and who have treaties with

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China providing for a tariff on imports and exports not to exceed 5 per cent. *ad valorem* and who desire to participate therein.

The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this Resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern Questions.

The revised tariff shall become effective as soon as possible but not earlier than two months after its publication by the Revision Commission.

The Government of the United States, as convener of the present Conference, is requested forthwith to communicate the terms of this Resolution to the Governments of Powers not represented at this Conference, but who participated in the Revision of 1918, aforesaid.

ARTICLE II

Immediate steps shall be taken, through a Special Conference, to prepare the way for the speedy abolition of likin and for the fulfillment of the other conditions laid down in Article VIII of the Treaty of September 5th, 1902, between Great Britain and China, in Articles IV and V of the Treaty of October 8th, 1903, between the United States and China, and in Article I of the Supplementary Treaty of October 8th, 1903, between Japan and China, with a view to levying the surtaxes provided for in those articles.

The Special Conference shall be composed of representatives of the Signatory Powers, and of such other Powers as may desire to participate and may adhere to the present Treaty, in accordance with the provisions of Article VIII, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present Treaty, on a day and at a place to be designated by the Chinese Government.

ARTICLE III

The Special Conference provided for in Article II shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties mentioned in Article II; and it shall authorize the levying of a surtax on dutiable imports

as from such date, for such purposes, and subject to such conditions as it may determine.

The surtax shall be at a uniform rate of 2½ per centum *ad valorem*, provided, that in case of certain articles of luxury which, in the opinion of the Special Conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased, but may not exceed 5 per centum *ad valorem*.

ARTICLE IV

Following the immediate revision of the customs schedule of duties on imports into China, mentioned in Article I, there shall be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to ensure that the customs duties shall correspond to the *ad valorem* rates fixed by the Special Conference provided for in Article II.

Following this further revision there shall be, for the same purpose, periodical revisions of the customs schedule of duties on imports into China every seven years, in lieu of the decennial revision authorized by existing treaties with China.

In order to prevent delay, any revision made in pursuance of this Article shall be effected in accordance with rules to be prescribed by the Special Conference provided for in Article II.

ARTICLE V

In all matters relating to customs duties there shall be effective equality of treatment and opportunity for all the Contracting Powers.

ARTICLE VI

The principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized. The Special Conference provided for in Article II shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage.

In the meantime, any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present Treaty, shall be levied at a uniform rate *ad valorem* at all land and maritime frontiers of China.

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ARTICLE VII

The charge for transit passes shall be at the rate of 2½ per centum *ad valorem* until the arrangements provided for by Article II come into force.

ARTICLE VIII

Powers not signatory to the present Treaty whose Governments are at present recognized by the Signatory Powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per centum *ad valorem*, shall be invited to adhere to the present Treaty.

The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX

The provisions of the present Treaty shall override all stipulations of treaties between China and the respective Contracting Powers which are inconsistent therewith, other than stipulations according most favored nation treatment.

ARTICLE X

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the English and French texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the sixth day of February, One Thousand Nine Hundred and Twenty-Two.

RESOLUTIONS

1

RESOLUTION FOR A COMMISSION OF JURISTS TO CONSIDER AMENDMENT OF LAWS OF WAR

The United States of America, the British Empire, France, Italy and Japan have agreed:—

I. That a Commission composed of not more than two members representing each of the above-mentioned Powers shall be constituted to consider the following questions:—

(a) Do existing rules of International Law adequately cover new methods of attack or defense resulting from the introduction or development, since the Hague Conference of 1907, of new agencies of warfare?

(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

II. That notices of appointment of the members of the Commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present Conference, which after consultation with the Powers concerned will fix the day and place for the meeting of the Commission.

III. That the Commission shall be at liberty to request assistance and advice from experts in International Law and in land, naval and aerial warfare.

IV. That the Commission shall report its conclusions to each of the Powers represented in its membership.

Those Powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers.

Adopted by the Conference on the Limitation of Armament, at the Sixth Plenary Session, February 4th, 1922.

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2

RESOLUTION LIMITING JURISDICTION OF COMMISSION OF JURISTS PROVIDED IN RESOLUTION NO. 1

Resolved, That it is not the intention of the Powers agreeing to the appointment of a Commission to consider and report upon the rules of International Law respecting new agencies of warfare that the Commission shall review or report upon the rules or declarations relating to submarines or the use of noxious gases and chemicals already adopted by the Powers in this Conference.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session, February 4th, 1922.

3

RESOLUTION REGARDING A BOARD OF REFERENCE FOR FAR EASTERN QUESTIONS

The representatives of the Powers assembled at the present Conference at Washington, to wit;

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands and Portugal:

Desiring to provide a procedure for dealing with questions that may arise in connection with the execution of the provisions of Articles III and V of the Treaty to be signed at Washington on February 6, 1922, with reference to their general policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

Resolve that there shall be established in China a Board of Reference to which any questions arising in connection with the execution of the aforesaid Articles may be referred for investigation and report.

The Special Conference provided for in Article II of the Treaty to be signed at Washington on February 6th, 1922, with reference to the Chinese Customs Tariff, shall formulate for the approval of the Powers concerned a detailed plan for the constitution of the Board.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session, February 4th, 1922.

4

RESOLUTION REGARDING EXTRATERRITORIALITY IN CHINA

The representatives of the Powers hereinafter named, participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal,—

Having taken note of the fact that in the Treaty between Great Britain and China dated September 5, 1902, in the Treaty between the United States of America and China, dated October 8, 1903, and in the Treaty between Japan and China dated October 8, 1903, these several Powers have agreed to give every assistance towards the attainment by the Chinese Government of its expressed desire to reform its judicial system and to bring it into accord with that of Western nations, and have declared that they are also "prepared to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant" them in so doing;

Being sympathetically disposed towards furthering in this regard the aspiration to which the Chinese delegation gave an expression on November 16, 1921, to the effect that "immediately, or as soon as circumstances will permit, existing limitations upon China's political, jurisdictional and administrative freedom of action are to be removed";

Considering that any determination in regard to such action as might be appropriate to this end must depend upon the ascertainment and appreciation of complicated states of fact in regard to the laws and the judicial system and the methods of judicial administration of China, which this Conference is not in a position to determine;

Have resolved

That the Governments of the Powers above named shall establish a Commission (to which each of such Governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China, and into the laws and

the judicial system and the methods of judicial administration of China, with a view to reporting to the Governments of the several Powers above named their findings of fact in regard to these matters, and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China, and to assist and further the efforts of the Chinese Government to effect such legislation and judicial reforms as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality;

That the Commission herein contemplated shall be constituted within three months after the adjournment of the Conference in accordance with detailed arrangements to be hereafter agreed upon by the Governments of the Powers above named, and shall be instructed to submit its report and recommendations within one year after the first meeting of the Commission;

That each of the Powers above named shall be deemed free to accept or to reject all or any portion of the recommendations of the Commission herein contemplated, but that in no case shall any of the said Powers make its acceptance of all or any portion of such recommendations either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

ADDITIONAL RESOLUTION

That the non-signatory Powers, having by treaty extraterritorial rights in China, may accede to the resolution affecting extraterritoriality and the administration of justice in China by depositing within three months after the adjournment of the Conference a written notice of accession with the Government of the United States for communication by it to each of the signatory Powers.

ADDITIONAL RESOLUTION

That China, having taken note of the resolutions affecting the establishment of a Commission to investigate and report upon extraterritoriality and the administration of justice in China, expresses its satisfaction with the sympathetic disposition of the Powers hereinbefore named in regard to the aspiration of the Chinese Government to secure the abolition of extraterritoriality in China, and declares its intention to appoint

a representative who shall have the right to sit as a member of the said Commission, it being understood that China shall be deemed free to accept or to reject any or all of the recommendations of the Commission. Furthermore, China is prepared to cooperate in the work of this Commission and to afford to it every possible facility for the successful accomplishment of its tasks.

Adopted by the Conference of the Limitation of Armament at the Fourth Plenary Session, December 10, 1921.

5

RESOLUTION REGARDING FOREIGN POSTAL AGENCIES IN CHINA

A. Recognizing the justice of the desire expressed by the Chinese Government to secure the abolition of foreign postal agencies in China, save or except in leased territories or as otherwise specifically provided by treaty, it is resolved:

(1) The four Powers having such postal agencies agree to their abandonment subject to the following conditions:
   (a) That an efficient Chinese postal service is maintained;
   (b) That an assurance is given by the Chinese Government that they contemplate no change in the present postal administration so far as the status of the foreign Co-Director General is concerned.
(2) To enable China and the Powers concerned to make the necessary dispositions, this arrangement shall come into force and effect not later than January 1, 1923.

B. Pending the complete withdrawal of foreign postal agencies, the four Powers concerned severally undertake to afford full facilities to the Chinese customs authorities to examine in those agencies all postal matter (excepting ordinary letters, whether registered or not, which upon external examination appear plainly to contain only written matter) passing through them, with a view to ascertaining whether they contain articles which are dutiable or contraband or which otherwise contravene the customs regulations or laws of China.

Adopted by the Conference of the Limitation of Armament at the Fifth Plenary Session, February 1, 1922.

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6

RESOLUTION REGARDING ARMED FORCES IN CHINA

Whereas

The Powers have from time to time stationed armed forces, including police and railway guards, in China to protect the lives and property of foreigners lawfully in China;

And whereas

It appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

And whereas

The Powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement, whenever China shall assure the protection of the lives and property of foreigners in China;

And whereas

China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China;

Now

To the end that there may be clear understanding of the conditions upon which in each case the practical execution of those intentions must depend;

It is resolved:

That the Diplomatic Representatives in Pekin of the Powers now in Conference at Washington, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, The Netherlands and Portugal, will be instructed by their respective Governments, whenever China shall so request, to associate themselves with three representatives of the Chinese Government to conduct collectively a full and impartial inquiry into the issues raised by the foregoing declarations of intention made by the Powers and by China and shall thereafter prepare a full and comprehensive report setting out without reservation their findings of fact and their opinion with regard to the matter hereby referred for inquiry, and shall furnish a copy of their report to each of the nine Governments concerned which shall severally make public the report with such comment as each may deem appropriate. The representatives of any of the Powers may make or join in minority reports stating their differences, if any, from the majority report.

That each of the Powers above named shall be deemed free

to accept or reject all or any of the findings of fact or opinions expressed in the report but that in no case shall any of the said Powers make its acceptance of all or any of the findings of fact or opinions either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1, 1922.

7

RESOLUTION REGARDING RADIO STATIONS IN CHINA AND ACCOMPANYING DECLARATIONS

The representatives of the Powers hereinafter named participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament—to wit: The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands and Portugal,

Have resolved

1. That all radio stations in China whether maintained under the provisions of the international protocol of September 7, 1901, or in fact maintained in the grounds of any of the foreign legations in China, shall be limited in their use to sending and receiving government messages and shall not receive or send commercial or personal or unofficial messages, including press matter: Provided, however, that in case all other telegraphic communication is interrupted, then, upon official notification accompanied by proof of such interruption to the Chinese Ministry of Communications, such stations may afford temporary facilities for commercial, personal or unofficial messages, including press matter, until the Chinese Government has given notice of the termination of the interruption;

2. All radio stations operated within the territory of China by a foreign government or the citizens or subjects thereof under treaties or concessions of the Government of China, shall limit the messages sent and received by the terms of the treaties or concessions under which the respective stations are maintained;

3. In case there be any radio station maintained in the territory of China by a foreign government or citizens or subjects thereof without the authority of the Chinese Government, such

station and all the plant, apparatus and material thereof shall be transferred to and taken over by the Government of China, to be operated under the direction of the Chinese Ministry of Communications upon fair and full compensation to the owners for the value of the installation, as soon as the Chinese Ministry of Communications is prepared to operate the same effectively for the general public benefit;

4. If any questions shall arise as to the radio stations in leased territories, in the South Manchurian Railway Zone or in the French Concession at Shanghai, they shall be regarded as matters for discussion between the Chinese Government and the Governments concerned.

5. The owners or managers of all radio stations maintained in the territory of China by foreign Powers or citizens or subjects thereof shall confer with the Chinese Ministry of Communications for the purpose of seeking a common arrangement to avoid interference in the use of wave lengths by wireless stations in China, subject to such general arrangements as may be made by an international conference convened for the revision of the rules established by the International Radio Telegraph Convention signed at London, July 5, 1912.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1, 1922.

DECLARATION CONCERNING THE RESOLUTION ON RADIO STATIONS IN CHINA OF DECEMBER 7, 1921.

The Powers other than China declare that nothing in paragraphs 3 or 4 of the Resolutions of 7th December, 1921, is to be deemed to be an expression of opinion by the Conference as to whether the stations referred to therein are or are not authorized by China.

They further give notice that the result of any discussion arising under paragraph 4 must, if it is not to be subject to objection by them, conform with the principles of the Open Door or equality of opportunity approved by the Conference.

CHINESE DECLARATION CONCERNING RESOLUTION OF DECEMBER 7TH REGARDING RADIO STATIONS IN CHINA

The Chinese Delegation takes this occasion formally to declare that the Chinese Government does not recognize or concede the right of any foreign Power or of the nationals thereof

to install or operate, without its express consent, radio stations in legation grounds, settlements, concessions, leased territories, railway areas or other similar areas.

8

RESOLUTION REGARDING UNIFICATION OF RAILWAYS IN CHINA AND ACCOMPANYING DECLARATION BY CHINA

The Powers represented in this Conference record their hope that to the utmost degree consistent with legitimate existing rights, the future development of railways in China shall be so conducted as to enable the Chinese Government to effect the unification of railways into a railway system under Chinese control, with such foreign financial and technical assistance as may prove necessary in the interests of that system.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1, 1922.

STATEMENT REGARDING CHINESE RAILWAYS MADE ON JANUARY 19, 1922, BY THE CHINESE DELEGATION

The Chinese Delegation notes with sympathetic appreciation the expression of the hope of the Powers that the existing and future railways of China may be unified under the control and operation of the Chinese Government with such foreign financial and technical assistance as may be needed. It is our intention as speedily as possible to bring about this result. It is our purpose to develop existing and future railways in accordance with a general programme that will meet the economic, industrial and commercial requirements of China. It will be our policy to obtain such foreign financial and technical assistance as may be needed from the Powers in accordance with the principles of the Open Door or equal opportunity; and the friendly support of these Powers will be asked for the effort of the Chinese Government to bring all the railways of China, now existing or to be built, under its effective and unified control and operation.

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9

RESOLUTION REGARDING THE REDUCTION OF CHINESE MILITARY FORCES

Whereas the Powers attending this Conference have been deeply impressed with the severe drain on the public revenue of China through the maintenance in various parts of the country, of military forces, excessive in number and controlled by the military chiefs of the provinces without coordination,

And whereas the continued maintenance of these forces appears to be mainly responsible for China's present unsettled political conditions,

And whereas it is felt that large and prompt reductions of these forces will not only advance the cause of China's political unity and economic development but will hasten her financial rehabilitation;

Therefore, without any intention to interfere in the internal problems of China, but animated by the sincere desire to see China develop and maintain for herself an effective and stable government alike in her own interest and in the general interest of trade;

And being inspired by the spirit of this Conference whose aim is to reduce, through the limitation of armament, the enormous disbursements which manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity;

It is resolved: That this Conference express to China the earnest hope that immediate and effective steps may be taken by the Chinese Government to reduce the aforesaid military forces and expenditures.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1, 1922.

10

RESOLUTION REGARDING EXISTING COMMITMENTS OF CHINA OR WITH RESPECT TO CHINA

The Powers represented in this Conference, considering it desirable that there should hereafter be full publicity with respect to all matters affecting the political and other international obligations of China and of the several Powers in relation to China, are agreed as follows:

I. The several Powers other than China will at their earliest convenience file with the Secretariat General of the Conference for transmission to the participating Powers, a list of all treaties, conventions, exchange of notes, or other international agreements which they may have with China, or with any other Power or Powers in relation to China, which they deem to be still in force and upon which they may desire to rely. In each case, citations will be given to any official or other publication in which an authoritative text of the documents may be found. In any case in which the document may not have been published, a copy of the text (in its original language or languages) will be filed with the Secretariat General of the Conference.

Every Treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days of its conclusion to the Powers who are signatories of or adherents to this agreement.

II. The several Powers other than China will file with the Secretariat General of the Conference at their earliest convenience for transmission to the participating Powers a list, as nearly complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities of the other part, which involve any concession, franchise, option or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involve a lien upon any of the public revenues or prop-

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erties of the Chinese Government or of any of its administrative subdivisions. There shall be, in the case of each document so listed, either a citation to a published text, or a copy of the text itself.

Every contract of the public character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to this agreement.

III. The Chinese Government agrees to notify in the conditions laid down in this agreement every treaty agreement or contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any local authority in China with any foreign Power or the nationals of any foreign Power whether party to this agreement or not, so far as the information is in its possession.

IV. The Governments of Powers having treaty relations with China, which are not represented at the present Conference, shall be invited to adhere to this agreement.

The United States Government, as convenor of the Conference, undertakes to communicate this agreement to the Governments of the said Powers, with a view to obtaining their adherence thereto as soon as possible.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1, 1922.

11

RESOLUTION REGARDING THE CHINESE EASTERN RAILWAY, APPROVED BY ALL THE POWERS INCLUDING CHINA

Resolved, That the preservation of the Chinese Eastern Railway for those in interest requires that better protection be given to the railway and the persons engaged in its operation and use, a more careful selection of personnel to secure efficiency of service, and a more economical use of funds to prevent waste of the property.

That the subject should immediately be dealt with through the proper Diplomatic channels.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session, February 4, 1922.

12

RESOLUTION REGARDING THE CHINESE EASTERN RAILWAY, APPROVED BY ALL THE POWERS OTHER THAN CHINA

The Powers other than China in agreeing to the resolution regarding the Chinese Eastern Railway, reserve the right to insist hereafter upon the responsibility of China for performance or non-performance of the obligations towards the foreign stockholders, bondholders and creditors of the Chinese Eastern Railway Company which the Powers deem to result from the contracts under which the railroad was built and the action of China thereunder and the obligations which they deem to be in the nature of a trust resulting from the exercise of power by the Chinese Government over the possession and administration of the railroad.

APPENDIX II

TREATY FOR THE SETTLEMENT OF OUTSTANDING QUESTIONS RELATIVE TO SHANTUNG[1]

China and Japan, being equally animated by a sincere desire to settle amicably and in accordance with their common interest outstanding questions relative to Shantung, have resolved to conclude a treaty for the settlement of such questions, and have to that end named as their Plenipotentiaries, that is to say:

His Excellency the President of the Chinese Republic:

Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary;

Vikyuin Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary; and

Chun-Hui Wang, Former Minister of Justice;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister of the Navy;

Baron Kijuro Shidehara, Ambassador Extraordinary and Plenipotentiary; and

Masanao Hanihara, Vice-Minister for Foreign Affairs;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

SECTION I

RESTORATION OF THE FORMER GERMAN LEASED TERRITORY OF KIAOCHOW

ARTICLE I

Japan shall restore to China the former German Leased Territory of Kiaochow.

[1] Text furnished by the Chinese Legation at Washington.

ARTICLE II

The Government of the Chinese Republic and the Government of Japan shall each appoint three Commissioners to form a Joint Commission, with powers to make and carry out detailed arrangements relating to the transfer of the administration of the former German Leased Territory of Kiaochow and to the transfer of public properties in the said Territory and to settle other matters likewise requiring adjustment.

For such purposes, the Joint Commission shall meet immediately upon the coming into force of the present Treaty.

ARTICLE III

The transfer of the administration of the former German Leased Territory of Kiaochow and the transfer of public properties in the said Territory, as well as the adjustment of other matters under the preceding Article, shall be completed as soon as possible, and, in any case, not later than six months from the date of the coming into force of the present Treaty.

ARTICLE IV

The Government of Japan undertakes to hand over to the Government of the Chinese Republic upon the transfer to China of the administration of the former German Leased Territory of Kiaochow, such archives, registers, plans, title-deeds and other documents in the possession of Japan, or certified copies thereof, as may be necessary for the transfer of the administration, as well as those that may be useful for the subsequent administration by China of the said Territory and of the Fifty Kilometre Zone around Kiaochow Bay.

SECTION II

TRANSFER OF PUBLIC PROPERTIES

ARTICLE V

The Government of Japan undertakes to transfer to the Government of the Chinese Republic all public properties including land, buildings, works or establishments in the former German

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Leased Territory of Kiaochow, whether formerly possessed by the German authorities, or purchased or constructed by the Japanese authorities during the period of the Japanese administration of the said Territory, except those indicated in Article VII of the present Treaty.

ARTICLE VI

In the transfer of public properties under the preceding Article, no compensation will be claimed from the Government of the Chinese Republic: Provided, however, that for those purchased or constructed by the Japanese authorities, and also for the improvements on or additions to those formerly possessed by the German authorities, the Government of the Chinese Republic shall refund a fair and equitable proportion of the expenses actually incurred by the Government of Japan, having regard to the principle of depreciation and continuing value.

ARTICLE VII

Such public properties in the former German Leased Territory of Kiaochow as are required for the Japanese Consulate to be established in Tsingtao shall be retained by the Government of Japan, and those required more especially for the benefit of the Japanese community, including public schools, shrines and cemeteries, shall be left in the hands of the said community.

ARTICLE VIII

Details of the matters referred to in the preceding three Articles shall be arranged by the Joint Commission provided for in Article II of the present Treaty.

SECTION III

WITHDRAWAL OF JAPANESE TROOPS

ARTICLE IX

The Japanese troops, including gendarmes, now stationed along the Tsingtao-Tsinanfu Railway and its branches, shall be withdrawn as soon as the Chinese police or military force shall have been sent to take over the protection of the Railway.

ARTICLE X

The disposition of the Chinese police or military force and the withdrawal of the Japanese troops under the preceding Article may be effected in sections.

The date of the completion of such process for each section shall be arranged in advance between the competent authorities of China and Japan.

The entire withdrawal of such Japanese troops shall be effected within three months, if possible, and, in any case, not later than six months, from the date of the signature of the present Treaty.

ARTICLE XI

The Japanese garrison at Tsingtao shall be completely withdrawn simultaneously, if possible, with the transfer to China of the administration of the former German Leased Territory of Kiaochow, and, in any case, not later than thirty days from the date of such transfer.

SECTION IV

MARITIME CUSTOMS AT TSINGTAO

ARTICLE XII

The Custom House of Tsingtao shall be made an integral part of the Chinese Maritime Customs upon the coming into force of the present Treaty.

ARTICLE XIII

The Provisional Agreement of August 6, 1915, between China and Japan, relating to the reopening of the Office of the Chinese Maritime Customs at Tsingtao shall cease to be effective upon the coming into force of the present Treaty.

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SECTION V

TSINGTAO-TSINANFU RAILWAY

ARTICLE XIV

Japan shall transfer to China the Tsingtao-Tsinanfu Railway and its branches, together with all other properties appurtenant thereto, including wharves, warehouses and other similar properties.

ARTICLE XV

China undertakes to reimburse to Japan the actual value of all the Railway properties mentioned in the preceding Article.

The actual value to be so reimbursed shall consist of the sum of fifty-three million four hundred and six thousand, one hundred and forty-one (53,406,141) gold Marks (which is the assessed value of such portion of the said properties as was left behind by the Germans), or its equivalent, plus the amount which Japan, during her administration of the Railway, has actually expended for permanent improvements on or additions to the said properties, less a suitable allowance for depreciation.

It is understood that no charge will be made with respect to the wharves, warehouses and other similar properties mentioned in the preceding Article, except for such permanent improvements on or additions to them as may have been made by Japan during her administration of the Railway, less a suitable allowance for depreciation.

ARTICLE XVI

The Government of the Chinese Republic and the Government of Japan shall each appoint three Commissioners to form a Joint Railway Commission, with powers to appraise the actual value of the Railway properties, on the basis defined in the preceding Article, and to arrange the transfer of the said properties.

ARTICLE XVII

The transfer of all the Railway properties under Article XIV of the present Treaty shall be completed as soon as possible, and, in any case, not later than nine months from the date of the coming into force of the present Treaty.

Article XVIII

To effect the reimbursement under Article XV of the present Treaty, China shall deliver to Japan simultaneously with the completion of the transfer of the Railway properties, Chinese Government Treasury Notes, secured on the properties and revenues of the Railway, and running for a period of fifteen years, but redeemable, whether in whole or in part, at the option of China, at the end of five years from the date of the delivery of the said Treasury Notes, or at any time thereafter upon six months' previous notice.

Article XIX

Pending the redemption of the said Treasury Notes under the preceding Article, the Government of the Chinese Republic will select and appoint, for so long a period as any part of the said Treasury Notes shall remain unredeemed, a Japanese subject to be Traffic Manager, and another Japanese subject to be Chief Accountant jointly with the Chinese Chief Accountant and with co-ordinate functions.

These officials shall all be under the direction, control and supervision of the Chinese Managing Director, and removable for cause.

Article XX

Financial details of a technical character relating to the said Treasury Notes, not provided for in this Section, shall be determined in common accord between the Chinese and Japanese authorities as soon as possible, and, in any case, not later than six months from the date of the coming into force of the present Treaty.

SECTION VI

EXTENSIONS OF THE TSINGTAO-TSINANFU RAILWAY

Article XXI

The concessions relating to the two extensions of the Tsingtao-Tsinanfu Railway, namely, the Tsinanfu-Shunteh and the Kaomi-Hsuchowfu lines, shall be made open to the common activity of an international financial group, on terms to be arranged between the Government of the Chinese Republic and the said group.

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SECTION VII

MINES

Article XXII

The mines of Tsechwan, Fangtze and Chinlingchen, for which the mining rights were formerly granted by China to Germany, shall be handed over to a company to be formed under a special charter of the Government of the Chinese Republic, in which the amount of Japanese capital shall not exceed that of Chinese capital.

The mode and terms of such arrangement shall be determined by the Joint Commission provided for in Article II of the present Treaty.

SECTION VIII

OPENING OF THE FORMER GERMAN LEASED TERRITORY OF KIAOCHOW

Article XXIII

The Government of Japan declares that it will not seek the establishment of an exclusive Japanese settlement, or of an international settlement, in the former German Leased Territory of Kiaochow.

The Government of the Chinese Republic, on its part, declares that the entire area of the former German Leased Territory of Kiaochow will be opened to foreign trade, and that foreign nationals will be permitted freely to reside and to carry on commerce, industry and other lawful pursuits within such area.

Article XXIV

The Government of the Chinese Republic further declares that vested rights lawfully and equitably acquired by foreign nationals in the former German Leased Territory of Kiaochow, whether under the German régime or during the period of the Japanese administration, will be respected.

All questions relating to the status or validity of such vested rights acquired by Japanese subjects or Japanese companies shall be adjusted by the Joint Commission provided for in Article II of the present Treaty.

SECTION IX

SALT INDUSTRY

Article XXV

Whereas the salt industry is a Government monopoly in China, it is agreed that the interests of Japanese subjects or Japanese companies actually engaged in the said industry along the coast of Kiaochow Bay shall be purchased by the Government of the Chinese Republic for fair compensation, and that the exportation to Japan of a quantity of salt produced by such industry along the said coast is to be permitted on reasonable terms.

Arrangements for the above purposes, including the transfer of the said interests to the Government of the Chinese Republic, shall be made by the Joint Commission provided for in Article II of the present Treaty. They shall be completed as soon as possible, and, in any case, not later than six months from the date of the coming into force of the present Treaty.

SECTION X

SUBMARINE CABLES

Article XXVI

The Government of Japan declares that all the rights, title and privileges concerning the former German submarine cables between Tsingtao and Chefoo and between Tsingtao and Shanghai are vested in China, with the exception of those portions of the said two cables which have been utilized by the Government of Japan for the laying of a cable between Tsingtao and Sasebo; it being understood that the question relating to the landing and operation at Tsingtao of the said Tsingtao-Sasebo cable shall be adjusted by the Joint Commission provided for in Article II of the present Treaty, subject to the terms of the existing contracts to which China is a party.

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SECTION XI

WIRELESS STATIONS

ARTICLE XXVII

The Government of Japan undertakes to transfer to the Government of the Chinese Republic the Japanese wireless stations at Tsingtao and Tsinanfu for fair compensation for the value of these stations, upon the withdrawal of the Japanese troops at the said two places, respectively.

Details of such transfer and compensation shall be arranged by the Joint Commission provided for in Article II of the present Treaty.

ARTICLE XXVIII

The present Treaty (including the Annex thereto) shall be ratified, and the ratifications thereof shall be exchanged at Peking as soon as possible, and not later than four months from the date of its signature.

It shall come into force from the date of the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty in duplicate, in the English language, and have affixed thereto their seals.

Done at the City of Washington this fourth day of February, One Thousand Nine Hundred and Twenty-Two.

SAO-KE ALFRED SZE
V. K. WELLINGTON KOO
CHUNG-HUI WANG
T. KATO
K. SHIDEHARA
M. HANIHARA

ANNEX

I

RENUNCIATION OF PREFERENTIAL RIGHTS

The Government of Japan declares that it renounces all preferential rights with respect to foreign assistance in persons, capital and material stipulated in the Treaty of March 6, 1898, between China and Germany.

II

TRANSFER OF PUBLIC PROPERTIES

It is understood that public properties to be transferred to the Government of the Chinese Republic under Article V of the present Treaty include (1) all public works, such as roads, water-works, parks, drainage and sanitary equipment, and (2) all public enterprises such as those relating to telephone, electric light, stockyard and laundry.

The Government of the Chinese Republic declares that in the management and maintenance of public works to be so transferred to the Government of the Chinese Republic, the foreign community in the former German Leased Territory of Kiaochow shall have fair representation.

The Government of the Chinese Republic further declares that, upon taking over the telephone enterprise in the former German Leased Territory of Kiaochow, it will give due consideration to the requests from the foreign community in the said Territory for such extensions and improvements in the telephone enterprise as may be reasonably required by the general interests of the public.

With respect to public enterprises relating to electric light, stockyard and laundry, the Government of the Chinese Republic, upon taking them over, shall re-transfer them to the Chinese municipal authorities of Tsingtao, which shall, in turn, cause commercial companies to be formed under Chinese laws for the management and working of the said enterprises, subject to municipal regulation and supervision.

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III

MARITIME CUSTOMS AT TSINGTAO

The Government of the Chinese Republic declares that it will instruct the Inspector General of the Chinese Maritime Customs (1) to permit Japanese traders in the former German Leased Territory of Kiaochow to communicate in the Japanese language with the Custom House of Tsingtao; and (2) to give consideration, within the limits of the established service regulations of the Chinese Maritime Customs, to the diverse needs of the trade of Tsingtao, in the selection of a suitable staff for the said Custom House.

IV

TSINGTAO-TSINANFU RAILWAY

Should the Joint Railway Commission provided for in Article XVI of the present Treaty fail to reach an agreement on any matter within its competence, the point or points at issue shall be taken up by the Government of the Chinese Republic and the Government of Japan for discussion and adjustment by means of diplomacy.

In the determination of such point or points, the Government of the Chinese Republic and the Government of Japan shall, if necessary, obtain recommendations of experts of a third Power or Powers who shall be designated in common accord between the two Governments.

V

CHEFOO-WEIHSIEN RAILWAY

The Government of Japan will not claim that the option for financing the Chefoo-Weihsien Railway should be made open to the common activity of the International Financial Consortium, provided that the said Railway is to be constructed with Chinese capital.

VI

OPENING OF THE FORMER GERMAN LEASED TERRITORY OF KIAOCHOW

The Government of the Chinese Republic declares that, pending the enactment and general application of laws regulating the system of local self-government in China, the Chinese local authorities will ascertain the views of the foreign residents in the former German Leased Territory of Kiaochow in such municipal matters as may directly affect their welfare and interests.

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AGREED TERMS OF UNDERSTANDING RECORDED IN THE MINUTES OF THE CHINESE AND JAPANESE DELEGATIONS CONCERNING THE CONCLUSION OF THE TREATY FOR THE SETTLEMENT OF OUTSTANDING QUESTIONS RELATIVE TO SHANTUNG

I. TRANSFER OF PUBLIC PROPERTIES

1. Japanese subjects will be permitted, subject to the provisions of Chinese law, to become members or shareholders of any of the commercial companies to be formed with respect to public enterprises mentioned in Paragraph 4 of Annex II of the Treaty.

II. WITHDRAWAL OF JAPANESE TROOPS

2. After the withdrawal of the Japanese troops provided for in Articles IX-XI of the Treaty, no Japanese military force of any kind will remain in any part of Shantung.

III. TSINGTAO-TSINANFU RAILWAY

3. All light railways constructed by Japan in Shantung and all properties appurtenant thereto shall be considered as part of the properties of the Tsingtao-Tsinanfu Railway.

4. The telegraph lines along the Railway shall also be considered as part of the Railway properties.

5. The Chinese authorities, upon taking over the Railway, shall have full power and discretion to retain or to remove the present employees of Japanese nationality in the service of the Railway. In replacing such employees, reasonable notice shall be given before the date of the transfer of the Railway. Detailed arrangements regarding the replacements to take effect immediately on the transfer of the Railway are to be made by

the Joint Railway Commission provided for in Article XVI of the Treaty.

6. The entire subordinate staff of the Japanese Traffic Manager and the Japanese Chief Accountant of the Railway is to be appointed by the Chinese Managing Director. After two years and a half from the date of the transfer of the Railway, the Chinese Government may appoint an Assistant Traffic Manager of Chinese nationality for the period of two years and a half, and such Chinese Assistant Traffic Manager may likewise be appointed at any time upon notice being given for the redemption of the Treasury Notes under Article XVIII of the Treaty.

7. The Chinese Government is under no obligation to appoint Japanese subjects as members of the subordinate staff above mentioned.

8. The redemption of the Treasury Notes under Article XVIII will not be effected with funds raised from any source other than Chinese.

9. The Chinese Government will ask the Japanese Government for such information as may be useful in making the selection of the Japanese Traffic Manager and the Japanese Chief Accountant of the Railway.

10. All questions relating to the existing contracts or commitments made by the Japanese authorities in charge of the Railway shall be settled by the Joint Railway Commission; and, prior to the transfer of the Railway, the said Japanese authorities will not make any new contracts or commitments calculated to be harmful to the interests of the Railway.

IV. OPENING OF THE FORMER GERMAN LEASED TERRITORY OF KIAOCHOW

11. The term "lawful pursuits" used in Article XXIII of the Treaty shall not be so construed as to include agriculture, or any enterprise prohibited by Chinese law or not permitted to foreign nationals under the treaties between China and foreign Powers, it being understood that this definition shall be without prejudice to the question of the salt industry provided for in Article XXV of the Treaty or to any question relating to vested rights which shall be determined in accordance with Article XXIV of the Treaty.

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V. POST OFFICES

12. All the Japanese Post Offices outside of the former German Leased Territory of Kiaochow shall be withdrawn simultaneously with the transfer of the Tsingtao-Tsinanfu Railway, if such transfer shall take place before January 1, 1923, and, in any case, not later than the said date.

13. All the Japanese Post Offices within the former German Leased Territory of Kiaochow shall be withdrawn simultaneously with the transfer of the administration of the said Territory.

VI. CLAIMS

14. The omission of any reference in the Treaty to the question of claims which Chinese citizens may have against the Japanese authorities or Japanese subjects, for the restitution of real property in Shantung or for damages to the persons or property of Chinese citizens in Shantung, shall not prejudice such claims.

15. The Chinese authorities shall furnish the Japanese authorities with a list of such claims together with all available evidence in support of each claim. Justice shall be done through diplomatic channels as regards the claims against the Japanese authorities, and through ordinary judicial procedure as regards the claims against Japanese subjects. With respect to the latter class of claims, the investigation into actual facts of each case may, if necessary, be conducted by a Joint Commission of Chinese and Japanese officials, in equal number, to be specifically designated for that purpose.

16. The Japanese Government shall not be held responsible for any damages which may have been directly caused by military operations of Japan during the late war.

Washington, D. C.,
February 4, 1922.

APPENDIX III

TREATY BETWEEN THE UNITED STATES AND JAPAN WITH REGARD TO THE FORMER GERMAN ISLANDS IN THE PACIFIC OCEAN, IN PARTICULAR THE ISLAND OF YAP [1]

THE UNITED STATES OF AMERICA AND JAPAN

Considering that by Article 119 of the Treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the Powers described in that Treaty as the Principal Allied and Associated Powers, to wit, the United States of America, the British Empire, France, Italy, and Japan, all her rights and titles over her overseas possessions;

Considering that the benefits accruing to the United States under the aforesaid Article 119 of the Treaty of Versailles were confirmed by the Treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;

Considering that the said four Powers—to wit, the British Empire, France, Italy, and Japan—have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the Treaty of Versailles, to administer the groups of the former German islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions:

Article 1. The islands over which a Mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the Mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

Article 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require. The Mandatory shall promote to the utmost the material

[1] Senate Executive R., 67th Cong., 2d Sess.

and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

Article 3. The Mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration. The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic signed on September 10th, 1919, or in any convention amending same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

Article 4. The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

Article 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling.

Article 6. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the council, containing full information with regard to the territory and indicating the measures taken to carry out the obligations assumed under articles 2, 3, 4, and 5.

Article 7. The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate. The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations;

Considering that the United States did not ratify the treaty of Versailles and did not participate in the agreement respecting the aforesaid Mandate;

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the Island of Yap, have resolved to conclude a convention for that purpose, and to that end have named as their plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan:

Baron Kijuro Shidehara, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers found to be in good and due form, have agreed as follows:

ARTICLE I

Subject to the provisions of the present Convention, the United States consents to the administration by Japan, pursuant to the aforesaid mandate, of all the former German Islands in the Pacific Ocean lying north of the Equator.

ARTICLE II

The United States and its nationals shall receive all the benefits of the engagements of Japan defined in Articles 3, 4, and 5 of the aforesaid Mandate, notwithstanding the fact that the United States is not a Member of the League of Nations.

It is further agreed between the high contracting parties as follows:

(1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

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(4) Japan will address to the United States a duplicate of the annual report on the administration of the mandate to be made by Japan to the council of the League of Nations;

(5) Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention unless such modification shall have been expressly assented to by the United States.

ARTICLE III

The United States and its nationals shall have free access to the Island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the Island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the Island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the Island by the United States or its nationals shall be suspended.

ARTICLE IV

In connection with the rights embraced by Article III, specific rights, privileges, and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the Island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the Island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(2) Nationals of the United States shall not be obliged to

obtain any permit or license in order to be entitled to land and operate cables on the Island or to establish radiotelegraphic service, subject to the provisions of Article III, or to enjoy any of the rights and privileges embraced by this Article and by Article III.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the Island for their persons and property.

(5) No taxes, port, harbor, or landing charges or exactions of any nature whatsoever, shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons, or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the Island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the Island shall not be subject to expropriation.

Article V

The present convention shall be ratified by the high contracting parties in accordance with their respective Constitutions. The ratifications of this convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

In witness whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at the city of Washington this eleventh day of February, nineteen hundred and twenty-two.

Charles Evans Hughes.
K. Shidehara.

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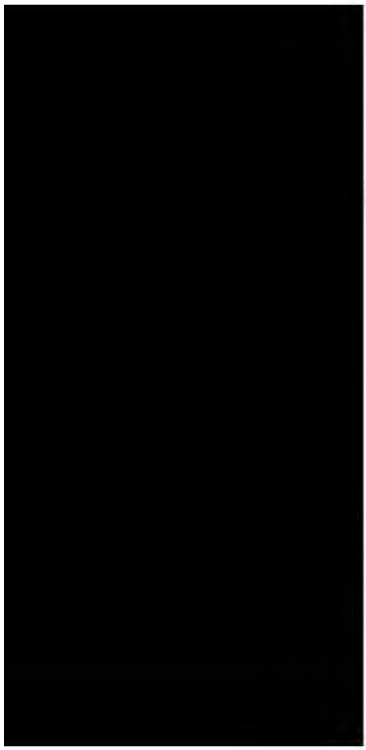

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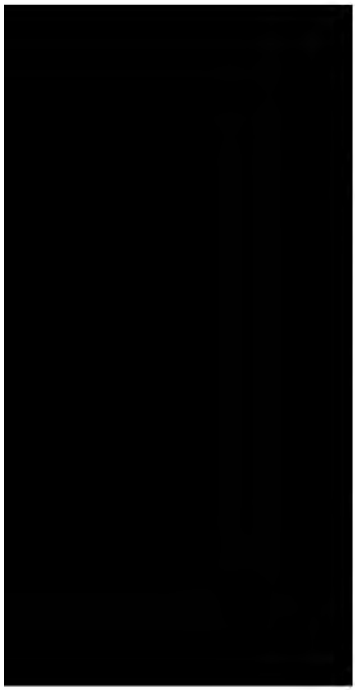

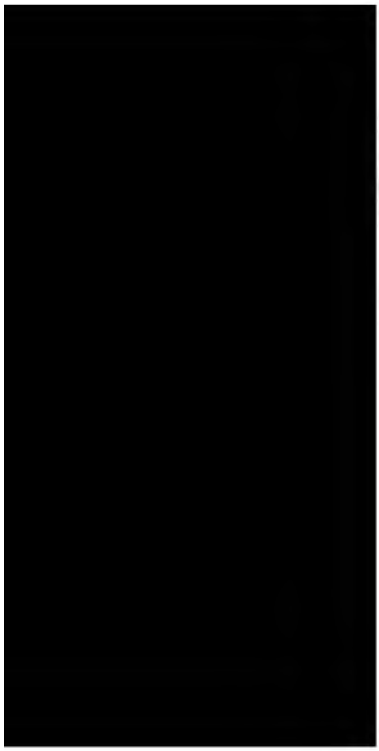

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